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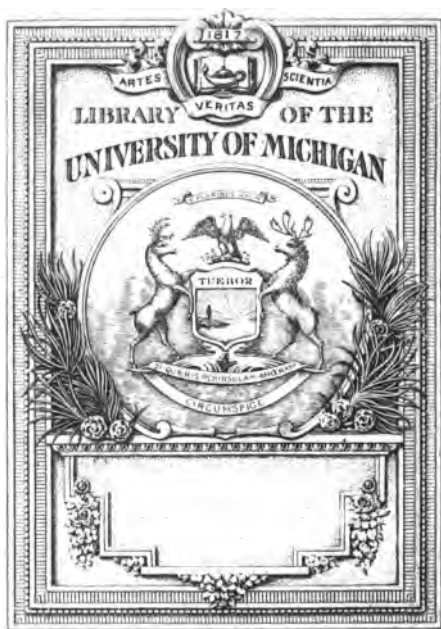
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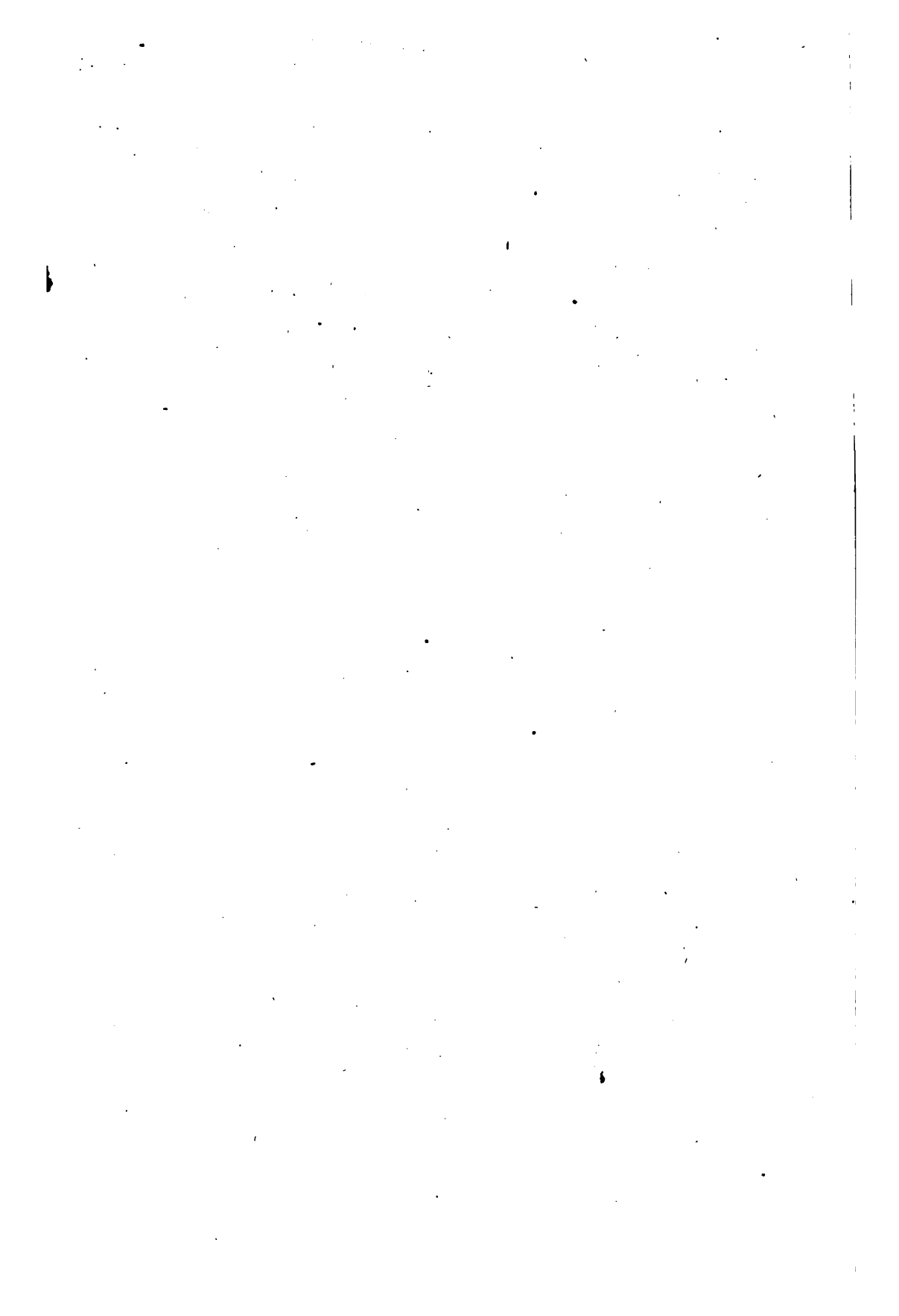
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NINTH ANNUAL REPORT

OF THE

New Jersey.

Civil Service Commission

OF THE

STATE OF NEW JERSEY

TO WHICH ARE APPENDED

THE RULES OF THE COMMISSION

AND

THE CIVIL SERVICE LAW

COMMISSIONERS

GEORGE H. BURKE, <i>President.</i>	. . .	Paterson
EDWARD H. WRIGHT,	. . .	Newark
JOSEPH S. HOFF,	. . .	Princeton
THEODORE H. SMITH,	. . .	Jersey City

GARDNER COLBY, Chief Examiner and Secretary

~~Exchange~~ Duplicate, L. C.

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REPORT.

To the Governor:

In presenting its Ninth Annual Report, the Commission has the pleasure of announcing the extension of the Civil Service Law to Bergen County, which adopted the act at the last general election by a vote of 13,298 to 6,113. The acquisition of this latter county speaks volumes for the administration of the law in the other municipalities operating under the provisions of the merit system, for Bergen County's action was undoubtedly influenced by a knowledge of the great good accomplished in the cities and counties enjoying the application of the Civil Service law. One thing in particular manifests itself in connection with the adoption of the Civil Service proposition by Bergen County, and that is the manner in which the public generally is turning to this means of selecting municipal officers. Opposition to the law is gradually dwindling; people are beginning to recognize clearly the benefits that it brings them; skepticism as to its practicability has eventually succumbed in face of the act's ability to adapt itself to every contingency, and the past year has found Civil Service waxing popular in the application of its provisions, emerging from its infancy and making long, rapid strides to maturity.

Our law compares most favorably with any in the country; yet there are parts that need strengthening, but this will come quickly, so that in the very near future New Jersey will have a merit method of appointment that will surpass that of every other State in the Union.

Efficiency is the slogan of the Civil Service, and we see thousands taking advantage of the various educational means that would fit them for public office. The knowledge that they have an even chance to secure positions is what has given rise to the great number of candidates that present themselves for the examinations. Of course, this increase in applicants and the conduction of additional tests each year creates a great drain on our appropriations. The latter should be enlarged in view of the marvelous expansion of our work. Our Commission is entrusted with one of the most important tasks of State government, and that is its obligation to conduct thorough examinations. To do

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this it must have finances sufficient to cover the employment of expert help and an adequate administrative force, the Commission being often compelled to use less help than is generally needed.

During the past year 303 competitive examinations were held for which there were 6,965 candidates, as compared with 247 examinations and 6,893 candidates the year before. The Commission held 38 qualifying tests of candidates for positions for which there was no competition. Non-competitive examining boards appointed by the Commission conducted 3,694 examinations, and 2,302 laborers were registered at the different labor registration bureaus of the Commission. The grand total in examinations and registrations, therefore, was 12,999. The total number of appointments to positions as the result of competitive and non-competitive examinations and labor registration amounted to 6,052.

The past year has been noteworthy because of the large number of important examinations held. Among these might be cited:

Policewoman, Trenton—the first examination of this kind ever held in New Jersey.

Under Sheriff, Essex County.

Chief of Division, Bureau of Shell Fisheries.

Fiscal Agent, State Prison.

Investigator, State Board of Charities and Corrections.

Inspector of Police, Newark—first examination for this position, recently created by the City of Newark

Juvenile Instructor, Essex County House of Detention.

Chief of Division of the newly-created Bureau of Child Hygiene, State Board of Health.

Drill Master, Police Department, Jersey City.

Water Engineer, Department of Conservation and Development.

Superintendent, Jersey City Hospital.

Chemist, Jersey City.

Contest Foreman, New Jersey State Agricultural Experiment Station.

Health Officer, City of Newark.

Assistant Examiner and Clerk, Civil Service Commission.

Superintendent of Recreation, Newark Playground Commission.

Considerable interest attaches to the examination for Assistant Examiner and Clerk in that this examination was attended by graduates of at least eleven prominent colleges, who, in seeking this position with its comparatively low salary, showed their faith in the opportunities offered through Civil Service for well-educated young men and women. The examination for Superintendent of Recreation, Newark, was attended by recreation and playground experts from many of the cities of the country, Chicago, Boston, Springfield, Galveston and Philadelphia being represented. It was probably the most notable examination for

this class of work attempted in the United States. Of it Mr. H. S. Braucher, Secretary of the Playground and Recreation Association of America, writes as follows:

"From many sources I have heard hearty and enthusiastic appreciation of the examination held in Newark. I think many recreation workers have more confidence in Civil Service examinations for recreation positions because of the examination which you arranged for in Newark."

In the conduction of these tests we were fortunate in securing the services, among others, of such experts as former Police Commissioner Waldo, of New York; Dr. S. S. Goldwater, Supt. of Mt. Sinai Hospital and formerly Inspector of Health of New York; former Road Commissioner of Connecticut, J. H. McDonald, and Dr. Edward W. Stitt, District Supt. of Schools of New York, and an expert on recreation centers.

In a good many cases after an examination had been called, the appointing power, for different reasons, abolished the position for which the test had been held, and we are, therefore, obliged to record an expenditure that might have been avoided had these officials taken the affair under ready consideration and definitely determined whether or not they really desired a list of eligibles. In other instances we have experienced difficulty in getting data as regards requirements for examinations. What is most urgently needed is the full coöperation of the appointing authorities, so that when our Commission makes a request for data of any kind it will be forthcoming with sufficient promptness to allow us to proceed with the work without delay. Another thing necessary is the filing of records of appointments, resignation, discharge, suspension, leave of absence, etc., by the heads of the departments when these changes occur.

Under Chapter 183 of the Laws of 1911, the Commission has held during the past year 29 examinations, which were attended by 1,096 candidates for election officers. We are getting a better calibre of candidates each succeeding year in these tests, and by establishing a higher standard of examination in each consecutive test, it is believed that a great educational work is being performed through this department.

The prevalence of practical tests in examinations where the latter warranted it go to prove that practicability of the Civil Service of New Jersey is better than any other known argument. All of our mechanical tests are accomplished by a practical examination, and in this way we are able to get a true line on the real ability of the candidate as well as an ample idea of his theoretical knowledge.

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Then, too, the oral examination helps to determine the fitness of the candidates, so it will be apparent that nothing is overlooked that would tend to bring forth a good class of eligibles. Of course, these introductions mean additional work, but they are indispensable and facilitate the task of producing capable, experienced candidates. The progress that has been made with the assistance of the oral and practical tests is the most salient reason existent for their absolute retention as a means of determining an eligible's fitness.

Among the improvements that might be suggested is the establishment of a character investigation bureau. This is an adjunct that must come quickly, as we should have some tangible means of discovering just the sort of people who apply for entrance into examinations. The existence of the bureau for character investigation would also preclude the necessity of assigning many positions to the exempt class. As it is now, we are compelled to classify offices requiring trust and responsibility in the exempt class, whereas with a department to inquire into the character of candidates applying for admission to New Jersey tests we would be able to put many of these positions in the competitive class there they belong. There is no position so high or so responsible that we cannot arrange an examination for it, but first we must be provided with the means of ascertaining the character of those who would enter these examinations. Many of the other States have them and wonderful results are derived thereby. This sub-department is solely taken up with the work for which it is established, and those in charge of it should devote their time to that work entirely, thus insuring the best of service in this regard.

Another improvement would be the conferring of greater freedom on the Commission for the exclusion of candidates. Many of those who apply do not measure up fully to the preliminary requirements, but are admitted to examinations conditionally with the proviso that they will satisfy the Commission subsequently as to their eligibility, but very often it is necessary to strike their names from the list of successful candidates because of their inability to show that they have the necessary requirements. If the Commission were empowered to weed out these candidates it would save both time and expense.

Another and possibly the most important bureau is that of efficiency records.

This is the subject that confronts the Civil Service Commission in every State where the law has been adopted, and, as yet, the problem has been unsolved. Our State has not advanced in

this respect to the extent of New York and Chicago, although a form of record has been in existence here for some time, but this is not entirely satisfactory, and a means is yet to be worked out whereby a proper mark of efficiency for promotion purposes can be given to those employees who have the best interests of their State and department at heart.

Before closing, we beg to call your attention to the standardization of salaries. A law was recently enacted by the Legislature under which the Civil Service Commission was directed to form a standard for salaries throughout the State, but no appropriation was provided for this important work. This is a vast undertaking, requiring months of study, examination and investigation and judgment. From much preliminary work already accomplished under the supervision of this Commission, it would seem that a department under our direct jurisdiction should be established immediately, and we should, therefore, call upon the Legislature to make early provisions for the execution of the new law and thus keep abreast of other States which have already taken up this work.

During the past year the Commission has conducted 35 formal hearings on matters affecting the operation of the Civil Service Law. In addition many informal hearings have been held. The formal hearings have been as follows:

- 1915.
- Nov. 2—Matter of dismissal of Leon Donnelly, Fireman, Newark Fire Department.
 - Nov. 9—Amendment to Rule XIII, Par. 5, of the Civil Service Rules.
 - Nov. 22—Matter of dismissal of Thomas Flannery, Laborer, Board of Street and Water, Jersey City.
 - Nov. 23—Matter of dismissal of Benjamin F. Hughes from the position of Engineer at the State Normal Schools, Trenton.
 - Dec. 10—Dismissal of Patrick Crane, Patrolman in the Jersey City Police Department.
 - Dec. 14—Application of Joseph B. Breidt, requesting name to be kept on the eligible list of District Court Clerk, Orange.
 - Dec. 14—Matter of discharge of Frederick Petry, Jr., from the Department of the State Comptroller.
 - Dec. 21—Frederick Petry case continued.
 - Dec. 21—Abolition of position of Francis E. Daniels, Director of Water and Sewerage, Inspector in charge of Division, State Department of Health.
 - Dec. 28—Removal of Samuel I. Roome from the position of Night Supervisor at the New Jersey State Hospital at Trenton.
- 1916.
- Jan. 7—Frederick Petry case continued.
 - Jan. 11—Exemption of Dairy Husbandman at the Experiment Station, New Brunswick.
 - Feb. 4—Matter of discharge of Abran Lefkowitz, Office Assistant at the Municipal Hospital, Newark.
 - Feb. 18—Amendment to Rule V, Par. 12, of the Civil Service Rules, by striking out the last sentence of the said paragraph.

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- Mar. 14—Case of Floyd E. Stymiest *vs.* the State Board of Prison Inspectors.
Mar. 14—Amendment to Rule XV of the Civil Service Rules, by adding a paragraph to said Rule.
Mar. 24—Matter of dismissal of Alfred Featherstone, Chef at the Municipal Hospital, Newark.
Mar. 24—Matter of dismissal of Frederick T. Marsh, Inspector, Tenement House Supervision.
Mar. 28—Dismissal of George T. Freudenmacher, Detective, Mercer County Prosecutor's Office.
April 4—Exemption of Advisory Counsel for the Board of Public Utility Commissioners.
April 4—Matter of suspension of Paysach G. Span, Janitor of the City Dispensary of Board of Health, Newark.
May 4—Matter of dismissal of Mancusi Ungaro from the position of Inspector of Board of Education.
May 16—Exemption of Chaplain for the Newark Fire Department.
May 22—Hearing on cases of James D. Fitch and Fred. J. Feller as to conduct in examination.
May 23—Amendment to Rule VII, Par. 2.
June 1—Mancusi Ungaro case continued.
June 6—Exemption of Deputy Superintendent of State Home for Boys at Jamesburg.
June 20—Exemption of Chaplain, Jersey City Fire Department.
June 22—Mancusi Ungaro case continued.
July 11—Exemption of Clinical Assistant at the Home for Feeble-Minded Women at Vineland.
July 19—Mancusi Ungaro case continued.
July 25—Exemption of Assistant Superintendent of the State Colony for Feeble-Minded Males.
Aug. 22—Exemption of Live Stock Commissioner for the State Department Agriculture.
Sept. 26—Amendment of Rule V, Par. 12.
Oct. 3—Exemption of Field Worker, State Epileptic Village.

Respectfully submitted,

GEORGE H. BURKE,
President,
EDWARD H. WRIGHT,
JOSEPH S. HOFF,
THEODORE H. SMITH,
Commissioners.

December 19th, 1916.

APPENDIX I.

Classification of Positions.†

Reason for exemption of those in exempt class and character of services of those in non-competitive class are stated in parenthesis after title of position.

STATE.

Adjutant-General.

Unclassified.—Adjutant-General, Assistant Adjutant-General.

Exempt.—Chief Clerk, (Clerk of Department, Sec. XIII (3)).

Competitive.—Executive Clerk, Military Bookkeeper, Compiler of Records, Correspondence Clerks, Clerks, Office Assistant, Stenographer.

State Agricultural College, Department of Clay-Workings and Ceramics.

Unclassified.—Director and Instructor, Scientific Assistant and Instructor, Professor of Military Science and Tactics, Instructing Assistant of Military Science and Tactics.

Competitive.—Scientific Assistant, Potter-Janitor, Clay Expert.

Non-Competitive.—Janitor (1), (care of building), Clerical Assistant (1), (clerical work).

Agricultural Experiment Station.

Unclassified.—Board of Managers, Specialist in Market Gardening, Assistant in Agronomy.

Exempt.—Director,* Poultry Husbandman,* Dairy Husbandman,* Chief Clerk, Secretary and Treasurer, (Secretary of Board, Sec. XIII (3)); Field and Laboratory Assistant,* State Entomologist,* Assistant in Entomology,* State Superintendent of Farm Demonstration.*

Competitive.—Editor, Herdsman and Buttermaker, Assistant Seed Analyst, Stenographer and Typewriter, Assistant Stenographer, Assistant Clerk, Soil Chemist, Assistant Chemist, Sampler and Assistants, Horticulturist, Fertilizer Sampler, Animal Husbandman, Field and Greenhouse Assistants, Field Assistants, Research Worker, Farm Foreman, Janitor, Assistant Horticulturist, Associate Agronomist, Helper to Agronomist, Microscopist, Helper in Poultry Department at \$900 a year, Orchard Foreman, Contest Foreman.

Non-Competitive.—Office Boy (1), (general office boy work); Helper (1), (general assistant); Seed Analyst (1), (analyzing seeds); Assistant

† NOTE.—This classification, so far as positions in the non-competitive and labor classes are concerned, has been made according to the present standard of wages. Before making any increase in salaries, the Civil Service Commission should be consulted in order that department heads may be informed of any change in classification made necessary under the proposed increase.

* Special action of Commission (see Appendix II).

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in Soil Survey Work, (soil surveying); Helper in Horticulture Dept. (1), (working in garden); Helpers on Road and Grading (3), (working on roads); Helper in Poultry Dept. (general poultry work); Helper at College Farm, (farm work); Fertilizers Samplers (6), (sampling fertilizers) (irreg. work); Helpers in Dairy (4), (general dairy work); Assistant Herdsmen (2), (herding stock); Stenographer in Dairy Dept. (1), (stenographic work, \$10 mo.); Special Watchmen on Grounds (2), (watching grounds on Sunday); Telephone Operator (1), (operating telephone); Helper in Swine Dept. (1), (assists Swine Dept.); Helpers on College Grounds (3), (care of grounds); Mailing Clerk, (attends to mail); Janitor at Farmhouse (1), (handyman at farmhouse); Computer of Farm Management (1), (keeps farm accounts); Consulting Librarian (1), (library work); Helper in Charge of Greenhouse Furnaces (1), (care of furnaces); Assistant in Dairy Husbandry (1), (dairy work); Assistant in Animal Husbandry (1), (care of animals); Helper in Charge of Poultry Plant (1), (care of poultry).

Labor Class.—Laborer.

Agricultural Experiment Station.

(Agricultural Extension.)

Unclassified.—Director, Extension Specialist in Agronomy, Extension Specialist in Horticulture, Extension Specialist in Home Economics, Extension Specialist in Market Methods, Extension Specialist in Poultry Husbandry, Field Assistant, Assistant in Home Economics, County Farm Superintendent of Farm Demonstration.

Competitive.—Stenographer and Typewriter.

State Board of Agriculture.

Unclassified.—Members of Board, Institute Director.

Exempt.—Secretary, (Secretary of Board, Sec. XIII) (3); Chief of Bureau of Statistics and Inspection, Chief of Bureau of Lands, Crops and Markets, Live Stock Commissioner,* State Entomologist.*

Competitive.—Chief Inspector in Bureau of Statistics and Inspection, Inspector in Bureau of Statistics and Inspection, Chief Inspector, Plant Pathologist, Bee Inspector, General Inspectors, Assistant Inspectors in Bureau of Statistics and Inspection, Stenographer in Bureau of Statistics and Inspection, Stenographer in Bureau of Animal Industry.

Long Courses in Agriculture.

Unclassified.—Instructors.

Short Courses in Agriculture.

Unclassified.—Director, Principal and Instructor, Assistant Instructor, Instructors, Lecturers.

Competitive.—Secretary and Stenographer, Janitor, Stenographic Ass't, Office Ass't.

Non-Competitive.—Grounds Assistant (1), (care of grounds); Herdsman (1), (care of cattle); Janitor and Helper (1), (assisting in janitor work).

Labor Class.—Laborer on farm.

Joint Appropriations Committee.

Exempt.—Clerk,* Special Investigator.*

* Special action of Commission (see Appendix II).

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Board of Taxes and Assessments.

Unclassified.—Members of Board.

Exempt.—Secretary, (Secretary of Board, Sec. XIII (3)).

Competitive.—Assistant Secretary, Clerks, Stenographer and Clerk, Engineers, Assistant Engineer, Draftsman, Field Assistant and Estimator, Draftsman and Estimator, Blue Print and Photostat Operator and Assistant Computer, Computer, Clerk and Field Secretary, Assistant Clerks, Stenographer, Stenographer and Bookkeeper.

Attorney-General.

Unclassified.—Attorney-General, Legislative Advisor and Bill Examiner.

Exempt.—Assistant Attorney-General, (Deputy or First Assistant, Sec. XIII (1); General Legal Assistants, (Legal Assistant of Law Department, Sec. XIII (2); 2d Assistant Attorney-General, (Legal Assistant of Law Department, Sec. XIII (2)).

Competitive.—Clerk, Stenographers, Office Boy.

Banking and Insurance Department.

Unclassified.—Commissioner.

Exempt.—Deputy Commissioner, (Deputy, Sec. XIII (1); Insurance Examiners,* Bank Examiners,* Expert of Insurance Rates.*

Competitive.—Assistant Deputy Commissioner, Chief Clerk, Chief Building and Loan Division, Chief Assistant Bureau of Reports, Chief Assistant Building and Loan Division, Examiners Building and Loan Division, Insurance Examiners, General Bookkeeper, Chief Stenographer, Stenographer, Stenographer and Clerical Assistant, Letter File Clerk and Stenographer, Vault Clerk and Clerical Assistant, License Clerk, Index Clerk, Clerical Assistant, Pen Copyist,

Commission for Ameliorating the Condition of the Blind in New Jersey.

Unclassified.—Teachers, Supervisor.

Exempt.—Secretary, (Secretary of Principal Executive Officer, Sec. XIII (4)).

Non-Competitive.—Clerk (1), (general office work); Janitress (1), (general cleaning).

State Home for Boys.

Unclassified.—Trustees, Superintendent, Cottage Managers (Instructors), Military Instructors, Teachers, Assistant Cottage Managers (Instructors), Instructors, Chief Cottage Manager and Instructor, Cottage Manager and Blacksmith.

Exempt.—Chaplains,* Physician,** Private Secretary to the Superintendent, (Private Secretary to Principal Executive Officer, Sec. XIII (4), Deputy Superintendent.*

Competitive.—Assistant Superintendent, Parole Officer, Bookkeeper, Stenographer, Printer, Relief Officer and Painter, Relief Officer and Gardener, Farmer, Chief Engineer, Assistant Engineers, Watchman, Carpenter, Mason and Assistant Cottage Manager, Shoemaker and Assistant Cottage Manager, Gardener, Office Assistant, Tailor.

Non-Competitive.—Coachman (1), (driving); Tailoress (1), (mending clothes; Matrons (29), (helping in cottages); Assistant Matron (1), (helping in dining-room); Dentist (1), caring for teeth of inmates); Helpers (3), (handyman).

Labor Class.—Laborer, Farm hand.

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

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Interstate Bridge Commission.

Exempt.—Secretary (Secretary of Commission, Sec. XIII (3); Assistant Secretary.*

Burial of Dead Bodies Thrown Upon the Shores of the State by Shipwreck.

Non-Competitive.—Custodians (3), (burial of bodies, care of graves).

New Jersey Ship Canal Commission.

Exempt.—Assistants to Secretary,* Engineer in charge.*

Morris Canal Investigation Committee.

Unclassified.—Secretary.

Troop A, Cavalry, N. G. N. J.

Unclassified.—Superintendent, Armorer, Grooms, Veterinarian.

Troop B, Cavalry, N. G. N. J.

Unclassified.—Hostlers, Armorer, Assistant Armorer.

Clerk in Chancery.

Unclassified.—Clerk in Chancery.

Exempt.—Chief Clerk, (if and when so designated under Sec. XIII (3)).

Competitive.—Clerks, Copyists, Bookkeepers, Stenographers, Enrollers, Assistant Bookkeepers, Vault Clerk, Assistant Vault Clerk.

Charities and Corrections.

Unclassified.—Commissioner.

Exempt.—Field Workers,* Agent.*

Competitive.—Chief Clerk, Stenographers, Inspectors, Draughtsman, State Architect, Investigator and Secretary, Secretary to Commissioner.

Board of Children's Guardians.

Unclassified.—Members of Board, Commissioner, Assistant Commissioner.

Competitive.—General Agent, Agents, Agent and Buyer, General Office Assistant, Office Assistant, Bookkeeper, Assistant Bookkeeper, Stenographer, Assistants to General Agent, Agents in Pension Work.

Civil Service Commission.

Unclassified.—Commissioners.

Exempt.—Chief Examiner and Secretary.*

Competitive.—Assistant Examiner, Assistant Secretary, Stenographers, Office Assistant, Assistant Examiner and Clerk, Typewriter, Copyist, Stenographer and Clerk, Registrars.

Non-Competitive.—Registrars of Labor (2), (registering laborers); Assistant Registrar of Labor (1), (registration work); Stenographer (1), \$10 per month (stenographic duties).

* Special action of Commission (see Appendix II).

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ELECTION DEPARTMENT (CIVIL SERVICE COMMISSION).

Exempt.—General Assistants.*

Competitive.—Stenographers.

Non-Competitive.—Examination Rater (1), (rating papers); Monitors (10), (assisting in examinations).

Civil Service Investigating Committee.

Unclassified.—Secretary.

Board of Commerce and Navigation.

Unclassified.—Members of Board, Chief Engineer and Secretary.

Exempt.—Federal Commissioner, N. Y. and N. J. Joint Harbor Line Commission, Stenographer to Chief Engineer, (Stenographer to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Chief Inspector, Draughtsman, Assistant Engineer, Clerk and Stenographer, Cook, Assistant Chief Engineer, Engineer, Clerk, Transmitter, Leadsman, Recorder, Boatman with Launch, Captain of Boat, Flagman, Inspector, Assistant Inspector, Chief Clerk.

Non-Competitive.—Helpers (3), (general utility work).

Comptroller.

Unclassified.—Comptroller.

Exempt.—†Deputy Comptroller, (Deputy, Sec. XIII (1)).

Competitive.—Chief Clerk, Clerks, Stenographer.

Court of Chancery.

Unclassified.—Chancellor.

Exempt.—Vice-Chancellors,* Advisory Masters,* Stenographers, (Secretaries or Stenographers of Judge, Sec. XIII (4)); Reporter,* Sergeant-at-Arms.*

Department of Conservation and Development.

Unclassified.—Director, State Geologist.

Exempt.—Geologist,* Assistants,* Assistant State Geologist,* Assistant in Carrying out Experiments, etc.,* Paleontologist.*

Competitive.—Assistant to State Geologist, Topographer and Consulting Engineer, Fire Wardens, Wardens, Assistant Forester, Chemist, Accountant, Stenographer and Laboratory Assistant, Stenographer and Clerk, Stenographer, Clerk, Office Assistant, Janitor at \$10 per month, Mapper of Soils, Draughtsman, Clay Expert, Publicity Agent, Museum Organizer, Forest Ranger.

Non-Competitive.—Fire Watchers (2), (watching forests); Wardens (7), (care of forests); Assistant (1), (making archæological survey of the State).

Circuit Court.

Unclassified.—Judge.

Competitive.—Court Crier, Interpreter, Sergeant-at-Arms, Stenographer, Clerk to Grand Jury.

†Clerk detailed to temporarily act as Deputy.

* Special action of Commission (see Appendix II).

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District Court.

Unclassified.—Judges.

Competitive.—Clerk, Deputy Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Assistant Clerk.

Non-Competitive.—Custodian (1), (Elizabeth), (sweeping, dusting and cleaning court room); Cleaner (1), (\$3 per week), (cleaning).

Court of Errors and Appeals.

Unclassified.—Justices.

Exempt.—Sergeant-at-Arms,* Docket and Calendar Clerk.*

Court of Pardons.

Exempt.—Clerk of Court, (Clerk of Department, Sec. XIII (3).

Supreme Court (State Capitol).

Unclassified.—Justices.

Exempt.—Reporter,* Sergeant-at-Arms.*

Clerk of Supreme Court.

Unclassified.—Clerk of Supreme Court.

Exempt.—Private Clerk, (Clerk to Principal Executive Officer, Sec. XIII (4).

Competitive.—Managing Clerk, Clerks, Bookkeeper, Assistant Bookkeeper, Vault Clerk, Stenographer, Typewriters, Recorder, General Clerk.

Supreme Court Circuit, Circuit and County Courts and Juvenile Courts.

Unclassified.—Judge, Morgue Keeper.

Exempt.—Court Stenographer,* Court Crier (Chapter 132, P. L. 1914).

Competitive.—Court Crier, Supreme Court Circuit, Sergeant-at-Arms, Supreme Court Circuit; German Interpreter, Common Pleas; Assistant Clerk, Juvenile Court; Court Attendants, Juvenile Court; Polish Interpreter, Common Pleas; Italian Interpreter, Common Pleas; Sergeant-at-Arms, Circuit Court; Sergeant-at-Arms, Common Pleas; Court Crier, Common Pleas; Probation Officer; Assistant Probation Officer; Assistants, Court of Quarter Sessions; Stenographer; Clerical Assistants; Clerk to Grand Jury.

Non-Competitive.—Probation Officer (Salem County, salary, \$200.00 per annum), (exercises supervision over offenders whose sentence is suspended); Assistant Probation Officer (Morris County, salary, \$300.00 per annum), (looking after probationers and investigating criminal cases for the court); Court Crier of Cumberland County at \$3 per day (1), (duties of Court Crier).

School for the Deaf.

Unclassified.—Superintendent, Teachers, Assistant Supervisors (instructors), Custodian, Physical Director and Supervisor (instructor), Instructors, Supervisors (instructors).

Exempt.—Physician.**

Competitive.—Secretary, Steward, Matron, Bookkeeper, Gardener, Engineer, Watchman, Storekeeper, Baker, Office Assistant.

Non-Competitive.—Cooks (6), (cooking for scholars); Laundresses (6), (washing for scholars); Waitress (waiting on table; Maids (4), (general

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

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housework); Cleaners (7), (general utility work); Utilityman (1), (general helper); Laundryman (1), (utility work).

Economy and Efficiency Commission.

Exempt.—Clerk.*

Board of Education.

Unclassified.—Members of Board.

Competitive.—Clerk (manager of bureau of information), Assistant to the Secretary.

Non-Competitive.—Appointive Member Board of Examiners (1), (assisting in examinations).

Commission of Industrial Education.

Unclassified.—Commissioners.

Exempt.—Secretary and Executive Officer (Secretary of Commission, Sec. XIII (3)).

Competitive.—Assistants to Secretary, Stenographer.

Village for Epileptics.

Unclassified.—Board of Managers, Superintendent, Principal, Teachers, Bandmaster.

Exempt.—Physicians,** Secretary to Superintendent, (Secretary of Principal Executive Officer, Sec. XIII (4)); Record Clerk,* Field Worker.*

Competitive.—Clerk, Assistant Clerk, Steward, Storekeeper, Supervisors, Head Mechanic, Engineers, Blacksmith and Wheelwright, Head Farmer, Shoemaker, Office Assistants, Assistant Storekeeper, Record Clerks, Chauffeurs, Assistant Engineer, Assistant Steward and Chief Clerk.

Non-Competitive.—Seamstress, (sewing for patients); Attendants (68), (nursing and attending patients); Cooks (30), (cooking for patients); Housekeepers (7), (taking care of housework); Repairmen (2), (general utility work); Waitresses and Chambermaid, (waiting and house-cleaning); Butcher, (buying meat, etc.); Upholsterer and Repairman, (upholstering and repairs); Gardeners (3), (care of garden); Assistant Gardeners (2), (care of garden); Dairymen (7), (in charge of cows and dairy); Deliveryman (1), (delivering groceries to cottage or buildings); Carpenters (8), building and repairing); Assistant Storekeepers (1), (charge of materials); Telephone Operators (2), (attend to telephone); Helpers to Carpenters (3), (building and repairing); Masons (6), (building and repairing); Helpers to Masons (3), (building and repairing); Painters (6), (painting new and old buildings); Farm Hands (18), (working on farm); Assistant Seamstresses (4), (sewing for patients); Waitresses (8), (waiting on table); Dentist (1), (caring for teeth of inmates); Laundress (1), (laundry work); Chief Nurse (1), (nursing); Nurses (2), (nursing); Handyman (1), (utility-man); Firemen (4), (care of fires).

Executive Department.

Unclassified.—The Governor, The Secretary to the Governor.

Exempt.—Assistant Secretary,* Executive Clerk.*

Competitive.—Stenographer.

New Jersey Commission for the Panama-Pacific International Exposition.

Unclassified.—Commissioners.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3)); Secretary

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

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to President, (Secretary to Principal Executive Officer, Sec. XIII (4); Resident Architect and Superintendent of Construction.*

Home for the Care and Training of Feeble-Minded Women.

Unclassified.—Board of Managers, Superintendent and Medical Director, Teachers.

Exempt.—Assistant Physician,** Field Worker,* Research Worker,* Assistant Superintendent and Assistant Physician,** Treasurer,* Clinical Assistant.*

Competitive.—Assistant Superintendent, Stenographer and Clerk, Matron and Housekeeper, Baker, Head Farmer, Carpenter, Night Fireman, Head Engineer, Gardener, Clerk.

Non-Competitive.—Matron in Hospital (1), (charge of hospital); Cooks (2), (cooking for patients); Night Watch and Nurse (2), (watching and nursing patients); Nurses (2), (nursing patients); Epileptic Day Nurse, (nursing patients); Dressmaker and Attendant (1), (making clothes and attending patients); Waitresses (2), (waiting in dining-room); Mending Room and Attendant, (mending clothes and attending patients); Assistant Farmers (7), (working on farm); Mattress Maker and Attendant, (making mattresses and attending patients); Laundress (1), (washing for patients); Attendants (23), (attending patients); Matron (care of Home); Night Watchman (1), (watching institution); Dietitian (1), (attends to diets).

Labor Class.—Laborers.

Colony for Feeble-Minded Males.

Unclassified.—Superintendent.

Exempt.—Assistant Superintendent.*

Non-Competitive.—Attendants (2), (attending inmates); Teamster (1), (driving team); Housekeeper (1), (housekeeping); mechanic (1), (utility-man); Seamstress (1), (sewing).

First Field Company, Signal Corps of N. J.

Unclassified.—Caretaker.

First Field Hospital Corps, N. G. N. J.

Non-Competitive.—Stenographer (1), (stenographic work).

Battery A, Field Artillery, N. G. N. J.

Unclassified.—Mechanic, Stable-Sergeant and Custodian, Armorer, Stableman.

Battery B, Field Artillery, N. G. N. J.

Unclassified.—Caretakers, Assistant Caretakers.

Board of Fish and Game Commissioners.

Unclassified.—Commissioners.

Exempt.—†Secretary, (Secretary of Board, Sec. XIII (3)).

Competitive.—Protector, Wardens, Stenographers, Superintendent of Game Farm, Assistant Protector, Captain, Engineer, Superintendent of Fish Hatchery.

Non-Competitive.—Cook (1), (cooking on boat); Assistant to Treasurer (1), (clerical assistant); Helpers on Game Farm (7), (general utility men);

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

† Clerk detailed to act as Secretary.

REPORT OF CIVIL SERVICE COMMISSION. 17

Accountant at Game Farm (1), (keeping records); Carpenters at Game Farm, (2), (general carpentry work); Mason (1), (masonry work); Mason's Helper (1), (assists mason); Gate tender (1), (tending gate); Helpers (3), (general utility men); Helpers at Fish Hatchery (7), (general utility men); Assistant Superintendent of Fish Hatchery, (1), (assists Superintendent); Clerical Assistant at Hatchery (1), (clerical work).

State Home for Girls.

Unclassified.—Board of Managers, Superintendent, Teacher-Matron, Teachers, Military Instructor, Teachers' Relief.

Exempt.—Secretary, (Secretary of Board, Sec. XIII (3); Physician,** Record Clerk in Field Work,* Chaplain,* Psychologist.*

Competitive.—Farm Superintendent, Assistant Superintendent, Clerk and Matron, Assistant Clerk, Matrons, Officers, Vacation Relief, Whole-Day Relief, Stenographer, Half-Day Relief, Watchman, Nurse, Parole Officer, Engineer, Assistant Engineer, Night Watch, Fireman, Assistant in Infirmary.

Non-Competitive.—Dressmaker (1), (sewing-room and care of girls in dining-room); Farmers (3), (care of farm); Graders (3), (general work on grounds); Coachman (1), (driving and work on farm); General Helper (1), (taking care of garden, etc.); Laundresses (3), (washing for inmates); Helpers (2), (general utility); Night Watch (1), (night duty in building, \$10 month); Monitress (care of younger colored girls).

Labor Class.—Laborers and Teamsters.

Department of Health.

Unclassified.—Members, Director.

Competitive.—Chief of Medical Supervision, Chief of Bureau of Local Health Administration, Chief of Bureau of Vital Statistics, Chief of Bureau of Engineering, Chief of Bureau of Education and Publicity, Assistant, Acting Chief of Bureau of Food and Drugs, Chief of Bureau of Milk Control, Chief of Laboratory of Hygiene and Assistant Director of Health, Chief Clerk in charge of Bureau of General Administration, Chemists, Bacteriologists, Laboratory Assistants, Clerks, Clerks and Stenographers, Assistant Sanitary Engineers, Inspectors, Captain of Oyster Boat Inspection, Mechanician, Chemist's Assistant, Assistant Epidemiologist, Chief of Division of Child Hygiene, First Assistant in charge of Epidemiological Work, Manager of Exhibit.

High School Inspection.

Unclassified.—High School Inspector.

New Jersey State Hospital at Morris Plains.

Unclassified.—Board of Managers, Medical Director, Warden.

Exempt.—Secretary, (Secretary of Board, Sec. XIII (3); Assistant Physicians,** Medical Interns,** Research Workers,* Field Workers,* Stenographer to Warden (Private Secretary to Principal Executive Officer, Sec. XIII (4), Pathologist.**

Competitive.—Treasurer, Bookkeepers, Assistant Bookkeepers, Stenographers, Storekeepers, Baker, Tailor, Upholsterer, Assistant Upholsterer, Shoemaker, Laundry Foreman, Chef, Dietitian, Assistant Machinist, Stokers, Dynamo Tenders in Mechanical Department, Tinsmith, Machinist, Plumber, Steam Fitter, Foreman, Gas Plant, Gas Men, Firemen, Foreman, Painters; Foreman, Carpenters; Carpenters; Foreman, Mason; Mason, Head Coachman Bookkeeper and Assistant Warden, Painters, Foreman, Dairy; Foreman, Farm; Blacksmith, Butcher, Foreman, Sewage Disposal Plant; Foreman,

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

18 REPORT OF CIVIL SERVICE COMMISSION.

Garden; Florist, Foreman, Grading, Ditching, etc.; Foreman, Hennery; Man in charge of Annex Kitchen, Pharmacist, Clerk and Medical Electrician, Chief Supervisors, Hydrotherapeutist, Watchman, Assistant to Pathologist, Coachman and Chauffeur.

Non-Competitive.—Assistant Tailors (2), (mending clothes); Dressmakers (3), (working in sewing-room); Laundry Help (36), (laundry work); Kitchen Help (51), (kitchen work); Men in charge of Vegetable Room (2), (custody of vegetables); Man in charge of Dining-room, (working in dining-room); Man in charge of Butter Room, (care of butter and stores); Man in charge of Bread Room, (care of bread); Man in charge of Milk Room, (care and distribution of milk); Coachmen (3), (care of horses); Assistant Butchers (3), (care of meats); Helpers in Sewage Disposal Plant (3), (working in sewage plant); Helper (1), (utility man); Helper on Railroad Tracks, (care of railroad tracks); Helpers in Hennery (2), (care of hens); Helpers in Mechanical Department (4), (helping machinists); Painter's Helpers (4), (helping painter); Carpenter's Helpers (2), (helping in carpentry work); Mason's Helpers (1), (helping in mason work); Florist's Helpers (3), (care of flowers); Truckman, (deliveryman); Janitors (2), (helpers); Garden Hands (19), (care of garden); Men in charge of working patients in garden (13), (working in garden with patients); Cleaner (1), (general utility man); Utility man (1), (handy man); Dairymen (5), (dairy work); Laundry Engineer, (runs engine in laundry); Storeroom Messenger (1), (carrying messages); Grading, (working on grades); Assistant Mason (1), (assisting mason); Assistant Blacksmith (2), (assistant blacksmith); Tinsmith's Helper (3), (assisting tinsmith); Special Day Patrol (2), (watching and patrolling); Upholsterer's Helpers (1), (helping in upholstering department); Shop Assistant in Engineering Division (1), (helping in engineering department); Man in charge of Steam Boilers in Annex Building, (in charge of steam boilers); Foreman on Railroad Tracks, (care of railroad tracks); Attendants (52), (nursing patients); Helper on Loading (1), (assists the truckman); Messenger (1), (delivering messages); Dining-room Girls (3), (care of dining-room); Miscellaneous (3), (general work); Nurses (119), (nursing patients); Barber (1), (shaving and cutting hair of patients); Assistant Barber, (shaving and cutting hair of patients); Waitresses (9), (waiting in dining-room); Chambermaids (2), (care of rooms); Waitress and Chambermaid (1), (care of rooms and waiting in dining-room); Drivers (5), (driving); Ushers (2), (looking after visitors and operating telephone); Night Watchmen (2), (\$1.50), (watching building at night); Cable Car Conductors (2), (attending cable car); Farm Hands (16), (helping on farm); Assistant Supervisors (8), (assistant to supervisors); Helper in Carriage House (1), (assists in care of carriages); Shop Assistant and Firemen (10), (assists in machine shop); Dentist (1), (caring for patients' teeth); Attendant and Mechanician (1), (nursing, etc.); Woodchoppers, (chopping wood); Helper in Piggery (2), (working in pig pens); Helper in Gas House (1) (working in gas house); Office Assistants (2), (\$25.00 mo.), (clerical work); Typewriting Records (1), (type-writing reports, etc.); Baker's Helpers (3), (baking); night clerk (1), (clerical work); Electrician's Helper (1), (assists electrician); firemen (11), (care of fires).

Labor Class—Men in charge of cows, Stableman, Laborers.

New Jersey State Hospital at Trenton.

Unclassified.—Board of Managers, Warden, Medical Director, Vocal Instructor, Dancing Instructor.

Exempt.—Physicians,** Secretary, (Secretary of Board, Sec. XIII) (3); Interne,** Field Workers.*

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

Competitive.—Treasurer, Auditor, Bookkeeper, Stenographers, Clerks, Engineers, Assistant Engineer, Machinist, Plumber, Electrician, Carpenters, Painters, Masons, Librarian, Housekeeper of Nurses' Home, Night Supervisor, Pharmacist, Superintendent of Nurses, Supervisors, Assistant Druggist, Watchmen, Overseers of Kitchens, Farmer, Gardeners, Tailors, Copyist, Head Dairyman, Baker, Storekeeper, Superintendent of Laundry, Chief Supervisor, Watchman and Telephone man, Chauffeurs.

Non-Competitive.—Drivers (2), (driving laundry wagons); Hand Ironers (6), (ironing patients' clothes); Coal Passer, (shoveling coal); Mason's Helper (1), (helping in mason work); Seamstresses (5), (sewing patients' clothes); Nurses (66), (nursing patients); Ushers (3), (looking after visitors); Upholsterers (2), (upholstery work); Dairyman (4), (dairy work); Domestic (6), (kitchen and house work); Janitress (1), (cleaner); Assistant Supervisors (6), (assistants to Supervisor); Farm Hands (5), (farm work); Butchers (2), (charge of meats); Garden Hands (11), (care of garden); Telephone Operator (1), (operating telephone); Ice Puller (1), (delivering ice); Laboratory Technician (1), (laboratory work); Coachman (1), (driving); Cooks (14), (cooking); Carpenter's Apprentice, (assists carpenter); Assistant Baker (1), (baking); Stenographer and Laboratory Assistant (1), (assisting in laboratory and stenographic work); Sunday Watchman (1), (watching grounds); Utility men (7), (handy men); Washers (3), (washing); Mangle Girls (7), (working on mangle); Charge of milk, etc. (1), (taking care of milk); Care of Farmhouse bed-rooms (1), (regular duties of maid); Waitresses (2), (waiting in dining-room); Kitchenman (1), (kitchen work); Attendants and Musicians (7), (nursing and playing musical instruments); Waiters (7), (waiting in dining-room); Night Watch (1), (regular duties of night nurse); Musician (1), (plays musical instruments); Man in charge of Piggery (1), (charge of pigs); Plumber's Helper (1), (plumber's assistant); Attendants (62), (nursing patients); Clothes Assorter (1), (assorting clothes); Tailor (1), (tailoring work, \$30 mo.); Firemen (6), (duties of firemen, \$40 mo.); Assistant Machinist (1), (general machinist work); Dentist (1), (care of teeth); Charge of patients working on lawns (3), (duties of overseer); Man in charge of patients working in garden (1), (duties of overseer); Man in charge of patients working on farm (1), (duties of overseer); Laboratory Assistant (1), (assists in laboratory); Shop Assistant and Fireman (1), (assists in machine shop).

First Regiment Infantry, N. G. N. J.

Unclassified.—Armorer, Custodian, Assistant Armorer, Tailor.

Competitive.—Watchman, Carpenter, Engineer, Fireman.

Non-Competitive.—Charwoman (cleaner); Stenographer (1), (clerical work).

Second Regiment Infantry, N. G. N. J.

Unclassified.—Armorer, Janitor, Custodian, Assistant Superintendent, Assistant Custodian.

Competitive.—Fireman.

Non-Competitive.—Helper (1), (general utility man); Charwomen (2), (scrubbing and cleaning).

Third Regiment Infantry, N. G. N. J.

Unclassified.—Armorer, Custodian, Assistant Armorer.

Fourth Regiment Infantry, N. G. N. J.

Unclassified.—Superintendent, Custodian, Armorer, Assistant Armorer.

Competitive.—Fireman.

Non-Competitive.—Charwoman (1), (general cleaning).

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Fifth Regiment Infantry, N. G. N. J.

Unclassified.—Custodian, Armorer, Assistant Armorer.

Jury Commission.

Unclassified.—Commissioner, Clerk to Commission.

Department of Labor.

Unclassified.—Commissioner, Examiners of Steam Engine and Boiler Operators' License Bureau.

Competitive.—Assistant Commissioner of Labor, Chief of Bureau of Industrial Statistics, Special Inspectors, Inspectors, Mechanical Engineer, Stenographers, Clerks, Employers' Liability Clerk, Distributor, Typewriter Copyist, Pen Copyist, Chief Inspector of Bureau of Structural Inspection, Expert Investigator of Occupational Diseases, Chief Inspector of Bureau of Electrical Equipment, Chief Inspector.

Public Library Commission.

Unclassified.—Commissioners.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3)

Competitive.—Organizers, Clerical Assistant.

State Library.

Unclassified.—Commissioners, State Librarian.

Competitive.—Law Librarian, General Assistant, Reference Librarian, Clerk, Stenographer and General Assistant.

Commission to Revise and Codify Mechanics' Lien Law.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3).

Motor Vehicles.

Exempt.—Commissioner.*

Competitive.—Chief Inspector, Inspectors, Chief Clerk, Stenographer, Auditor, Deputy Chief Inspector.

Non-Competitive.—Agents (fees) (28), (issue certificates, etc.).

First Battalion Naval Reserve.

Unclassified.—Chief Master of Arms, Executive Officer, Steward, General Storekeeper on board the U. S. Adams.

Second Battalion Naval Reserve.

Unclassified.—Shipkeepers, Custodian, Armorer.

Washington Rock Park Commission.

Unclassified.—Secretary-Treasurer.

Non-Competitive.—Caretaker (1), (caretaker of lodge and park).

New Jersey Commission on Old Age Insurance and Pensions.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3).

* Special action of Commission (see Appendix II).

Prosecutor of the Pleas.

Unclassified.—Prosecutors, Assistant Prosecutors.

Exempt.—Private Clerk to Hudson Co. Prosecutor (Private Clerk to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Chief of Detectives, Detectives, Lieutenant-Detective, Prosecutor's Detective, Grand Jury Stenographer.

Non-Competitive.—Grand Jury Clerk of Union County (1), \$420.00 per annum, (attending sessions of Grand Jury).

Department of Preservation of Records.

Unclassified.—Members of Commission.

Exempt.—Clerks.*

New Jersey State Prison.

Unclassified.—Board of Inspectors, Principal Keeper, Supervisor, Moral Instructor (appointed by the Governor), Teachers, Instructor in Knitting Shop, Assistant Instructor.

Exempt.—Deputy of Principal Keeper (Deputy of Principal Executive Officer, Sec. XIII (1); Physician,** Resident Physician,** Moral Instructors,* Private Secretary (Private Secretary to Executive Officer, Sec. XIII (4)), Matron*.

Competitive.—Prison Clerk, Supervisor's Clerk, Assistant Keeper's Clerk, Center Keeper, Interpreter, Gatekeeper, Engineer, Laundry Keeper, Shop Keeper, Tower Keeper, Superintendent of Farm, Parole Agent, Assistant Matron, Doorkeeper, Master Mechanic, Marshal, Storekeeper, Commissary, Assistant Commissary, Hospital Steward, Hospital Keeper, Farm Deputies, Assistant Superintendent of Farm, Shop Hall Keeper, Assistant Shop Keeper, Hall Keeper, Extra Keeper, Night Center Keeper, Night Deputy, Substitute Keeper, Day Keeper, Night Keeper, Probationary Keeper, Fiscal Agent.

Non-Competitive.—Coachman, (driver of Prison carriage); Teamster, (carting garbage and stable work); Gardener, (general outside work around residence).

Public Instruction.

Unclassified.—Commissioner, Assistant Commissioners, Male Supervisor of Industrial Education.

Exempt.—Stenographer and Secretary (Secretary to Principal Executive Officer, Sec. XIII (4); Female Supervisor of Industrial Education.*

Competitive.—Chief of Examination Bureau, Chief Clerk, Inspector of School Accounts, Clerks, Stenographers, Inspector of School Buildings.

Non-Competitive.—Register Examiners (12), (examining school registers).

Department of Quarantine.

Unclassified.—Health Officer.

Non-Competitive.—Deputy Health Officer, (at service of Health Officer).

Department of Quartermaster-General.

Unclassified.—Quartermaster-General, Camp Ground Employees, Military Storekeeper, Laborer at Arsenal.

Exempt.—Deputy or First Assistant, (Deputy, Sec. XIII (1); Clerk, Private Secretary and Stenographer, (Secretary of Principal Executive Officer, Sec. XIII (4); Clerk, (Clerk of Department, Sec. XIII (3)).

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

22 REPORT OF CIVIL SERVICE COMMISSION.

Competitive.—Machinist, Carpenters, Military Bookkeeper (Arsenal).
Non-Competitive.—Man in Care of Clothes in Arsenal (1), (care of military clothing).
Labor Class.—Laborers, Teamsters.

Board of Public Utility Commissioners.

Unclassified.—Members of Board.
Exempt.—Secretary, (Secretary of Board, Sec. XIII (3); Counsel,* Assistant to the Counsel,* Advisory Counsel.*
Competitive.—Chief Inspectors, Assistant Inspector, Topographical Engineer, Hydraulic Civil Engineer, Assistant Computer, Assistant to the Secretary, Inspectors, Stenographers, Inspector of Accounts, Computer.

Reformatory for Women.

Unclassified.—Superintendent, Teacher and Psychologist.
Exempt.—Physician.**
Competitive.—Housekeeper, Farmer, Utilityman, Nurse, Assistant Bookkeeper.
Non-Competitive.—Farm Hands (3), (general farm work); dentist (1), (care of teeth).

New Jersey Reformatory.

Unclassified.—Board of Managers, General Superintendent, Principal, Farm Director, Moral Instructors, Instructors, School Director, Principal Instructor in Trade Shops.
Exempt.—Deputy Superintendent, (Deputy or First Assistant, Sec. XIII (1); Secretary, (Secretary to Principal Executive Officer, Sec. XIII (4), Field Parole Officer.*
Competitive.—Chief Engineer, Chief Clerk, Parole Officer, Center Keepers, Assistant Engineers, Storekeeper, Medical Director, Assistant Bertillon Operator, Guards, Hospital Steward, Armed Guard, Captain of Day Guards, Record Clerk.
Non-Competitive.—Teamster (1), (trucking, freight, etc.); Dentist (1), (caring for teeth of inmates); Nurse (1), (nursing inmates); Parole Clerk, (clerical work).

Public Reports.

Unclassified.—Commissioner of Reports.
Exempt.—Stenographer, (Secretary of Principal Executive Officer, Sec. XIII (4).

State Highway Commission.

Unclassified.—Commissioners, State Engineer, State Highway Engineer, Ass't State Highway Engineer.
Competitive.—Secretary to Commissioner, Division Highway Engineers, Assistant Supervisor, Chauffeur, Engineer, Road Inspectors, Clerk, Foremen, Inspectors, Topographical Engineer, Superintendent of Quarry, Surveyors, Chief Clerk.
Non-Competitive.—Skilled Laborer (1), (expert laborer); Watchman at Camp (1), (watching camp).

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

Manual Training and Industrial School for Colored Youth.

Unclassified.—Principal, Preceptress and Teacher, Teachers, Custodian, Farmer (instructor).

Exempt.—Physician,** Stenographer (Stenographer to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Janitor, Baker.

Non-Competitive.—Laundresses (2), (laundry work); Cook (1), (cooking; Farmhands (2), (farm work).

Montclair State Normal School.

Unclassified.—Principal, Custodian, Teachers.

Exempt.—Secretary (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Engineer and Janitor, Assistant, Stenographer, Librarian, Janitor, Fireman, Night Watchman and Fireman.

Non-Competitive.—Pastry Cook (1), (cooking); Lunch-room Helper (1), (assisting in lunch-room); Helpers (2), (general utility); Kitchenman (1), (kitchen work); Dishwashers (2), (washing dishes); Houseman (1), (house work); Cleaner (1), (cleaning); Laundry Help (5), (laundry work); Waitresses (2), (waiting on table).

State Normal School at Newark.

Unclassified.—Principal, Custodian.

Exempt.—Secretary to the Principal, (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Librarian, Janitor, Fireman, Stenographer, Utilityman.

Non-Competitive.—Physician (1), (visiting physician); Cleaners (3), (cleaning up building).

State Normal School at Trenton.

Unclassified.—Principal, Teachers, Registrar, Custodian.

Exempt.—Secretary, (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Steward, Clerk, Janitor, Mechanic, Engineer, Night Watchman, Assistant Janitor, Assistant Engineer, Manager of Boarding Hall, Baker, Cook (exceeds \$50 per month), Fireman, Housekeeper, Watchman.

Non-Competitive.—Janitor's Help (1), (cleaning, etc.); Office Boy, (general errand boy); Nurse, (nursing and charge of laundry); Assistant Nurse, (nursing); Receiver, (receiving and checking stores); Cook (1), (cooking for scholars); Waiters (3), (waiting on table); Waitresses (21), (waiting on table); Porters (1), (cleaning and moving, etc.); Chambermaids (8), (cleaning rooms); Laundry Help (8), (washing); Assistant Baker (1), (working in bakery); Scrubber (1), (general cleaning); Sweepers (2), (sweeping); Pantry Assistant (1), (assisting in pantry); Boys' Matron (1), (charge of boys' dormitory); Kitchen Fireman, (charge of kitchen fires).

Secretary of State.

Unclassified.—Secretary of State.

Exempt.—Assistant Secretary of State, (First Assistant, Sec. XIII (1); Custodian of Records,* Clerk to the Secretary of State, (Clerk to Principal Executive Officer, Sec. XIII (4)).

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

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Competitive.—Secretary to Assistant Secretary of State, Clerks, Archivist and Statistician, Office Boy, Cashier, Stenographers, Recorders, Indexer, Vault Clerk and Office Assistant, Stenographer and Office Assistant.

Passaic Valley Sewerage Commission.

Unclassified.—Members of Commission.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3); Treasurer.*

Bureau of Shell Fisheries.

Unclassified.—Director.

Competitive.—Chiefs, Chief Engineer, Assistant Engineer, Pilot and Special Officer, Assistant Officer, Stenographer.

Non-Competitive.—Watchmen (2), (watching oyster beds); Guards (6), (guarding oyster beds); Assistant Inspector (1), (inspecting oyster beds); Cook (1), (cooking on steamer Cypher).

Small Arms Practice, N. G. N. J.

Unclassified.—Stenographer.

Competitive.—Clerk, Stenographer and Typewriter.

New Jersey Home for Disabled Soldiers (Kearny).

Unclassified.—Members of Board of Managers, Superintendent.

Exempt.—Chaplain,* Surgeon,** Chief Clerk, (Chief Clerk to Principal Executive Officer, Sec. XIII (4); Secretary to Superintendent (Secretary to Principal Executive Officer, Sec. XIII (4); Oculist,** Assistant Surgeon.**

Competitive.—Adjutant, Quartermaster, Engineer, Assistant Engineer, Firemen, Clerk and Office Assistant, Cook (exceeds \$50 per month), Carpenter; Bugler, Chauffeur and Utilityman, Nurses.

Non-Competitive.—Fireman (care of fire on Sundays); Attendants (2), (caring for inmates); Laundresses (3), (washing and ironing); Cook (1), (cooking for inmates); Charwomen (2), (general cleaning); Helpers (16), (general work); Hospital Orderlies (9), (hospital work); Baker (1), (baking); Carpenter's Helper (1), (assists carpenter); Watchman (1), (watching building).

New Jersey Home for Disabled Soldiers, Sailors or Marines and their Wives and Widows (Vineland).

Unclassified.—Members of Board of Managers, Commandant.

Exempt.—Secretary of Board, (Secretary of Board, Sec. XIII (3); Secretary to Commandant, (Secretary of Principal Officer, Sec. XIII (4); Surgeon,** Treasurer.*

Competitive.—Adjutant, Assistant Adjutant, Engineer, Fireman, Janitor, Carpenters.

Non-Competitive.—Assistant Nurses (7), (nursing sick and infirm inmates); Laundry Help (12), (washing for inmates); Cooks (5), (cooking for inmates); Waiters (waiting on table); Kitchen Helpers (8), assisting in kitchen); Hostler (1), (care of horses); Chambermaids (2), (general chamber work); Elevator Conductors (2), (charge of elevator); Poultry Man, (charge of poultry); Messenger (1), (carrying messages); Helpers (9), (utility men); General Workman (1), (handy man); Linen Room Helpers (2), (assisting in linen room); Assistant Matron (1), (assists in care of institution); Nurses (4), (nursing inmates); Driver (1), (driv-

* Special action of Commission (see Appendix II)

** Official who must be physician (Section XIII (5)).

REPORT OF CIVIL SERVICE COMMISSION. 25

ing); Special Officer, (patrol duty); Watchman (1), (watching grounds); Assistant Waitresses (2), (waiting in dining-room).

State House Commission.

Unclassified.—Members of Commission, Purchasing Agent.

Exempt.—Custodian.*

Competitive.—Assistant Custodian, Chief Engineer, Mail Clerk, Messenger in Library, Messenger to Governor, Telegraph Operator, Document Clerk, Night Custodian, Night Watchman, Elevator Conductors, Scrubwoman, Assistant Document Clerk, Foreman, Fireman, Janitrix, Electrician, Carpenters, Expert Printer, Telephone Operator, Cleaners and Helpers, Window Cleaners and Helpers.

Commission for Revision of Public Statutes.

Unclassified.—Members of Commission.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3)).

Summer School at Cape May.

Unclassified.—Teachers.

Competitive.—Assistant Clerk, Assistant to the Commission.

Non-Competitive.—Assistants (2), (assistant to teacher).

Summer School at Collingswood.

Unclassified.—Principal, Teachers.

Summer School at Phillipsburg.

Unclassified.—Principal, Teachers.

County Boards of Taxation.

Unclassified.—Members of Board, Secretary.

Exempt.—Private Stenographer to President of Passaic Co. Tax Board, (Private Stenographer to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Clerk, Stenographer, Messenger.

Commission to Investigate Tax Assessments.

Exempt.—Secretary.*

Board of Trustees of the Teachers' Retirement Fund.

Unclassified.—Members of Board, Secretary.

Exempt.—Assistant to the Secretary.*

Competitive.—Clerk.

Board of Tenement House Supervision.

Unclassified.—Members of Board.

Exempt.—Secretary, (Secretary of Board, Sec. XIII (3)).

Competitive.—Plan Examiner, Assistant Plan Examiner, Clerks, Clerk and Messenger, Stenographer, Typewriter, Inspectors, Typewriter and Clerk, Inspector (detailed as photographer).

* Special action of Commission (see Appendix II).

26 REPORT OF CIVIL SERVICE COMMISSION.

State Treasurer.

Unclassified.—State Treasurer.

Exempt.—†Deputy Treasurer, (Deputy, Sec. XIII (1)).

Competitive.—Chief Clerk, General Bookkeeper, Bookkeeper, Cashier, Messenger, Stenographers and Clerks, Clerks, Audit Clerk and Bookkeeper.

Sanatorium for Tuberculous Diseases.

Unclassified.—Members of Board of Managers, Superintendent, Assistant Instructor in Workshop.

Exempt.—Assistant Chief Physicians,** Medical Examiners,** Secretary and Treasurer,* Examining Physicians,** Secretary to the Superintendent, (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Superintendent of Nurses and Matrons, Assistant Matron, Clerk and Bookkeeper, Stenographer, Night Watchman, Carpenters, Chef, Baker, Foreman, Engineer, Night Engineer, Masons, Farmer.

Non-Competitive.—Cook (1), (cooking for patients); Nurses (5), nursing patients); Assistant Nurses, (nursing patients); Attendants (nursing patients); Chief Laundress (1), (washing for patients); Laundry Engineer and Attendant (1), (general helper); Laundresses (8), (washing for patients); Orderlies (2), (general helpers); Maids and Waitresses (11), (housework and waiting); Cleaner, (cleaning, etc.); Painters (2), (painting on buildings); Dishwashers (5), (washing dishes); Janitor (1), (care of building); Maids (10), (waiting on tables); Waiters (13), (waiting on tables); Clerical Assistant (1), (clerical work); Firemen (4), (duties of firemen); Kitchen Help (2), (working in kitchen); Helper (1), (utilityman); Storeroom Helper (1), (working in storeroom); Utilitymen (2), (handymen); Dentist (1), (care of teeth).

Labor Class.—Laborers.

Weights and Measures.

Unclassified.—Superintendent of Weights and Measures.

Competitive.—Clerk, Assistant Superintendents.

CITY OF NEWARK.

Auditor of Accounts.

Unclassified.—Auditor.

Exempt.—Private Secretary, (Private Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Clerks, Stenographer.

Department of Buildings.

Unclassified.—Superintendent.

Exempt.—Private Secretary to the Superintendent, (Private Secretary to Principal Executive Officer, Sec. XIII (4)).

† Clerk detailed temporarily to act as Deputy.

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

REPORT OF CIVIL SERVICE COMMISSION. 27

Competitive.—Building Inspectors, Clerk, Assistant Clerk, Stenographer, Electrical Inspectors, Assistant Electrical Inspector, Masonry Inspectors, Iron Work Inspector, Carpentry Inspector, Office Assistant.

Public Buildings Committee.

Competitive.—Custodian, Clerk, Janitors, Elevator Attendants, Engineers, Firemen, Cuspidor Cleaner (\$1,000 per annum), Aerial Cleaners, Oiler and Wiper, Telephone Operators, Watchmen, Window Cleaner, Cabinet and General Repairer.

Labor Class.—Cleaners, Laborers.

Camp Newark.

Non-Competitive.—Visitors (2), (inspection of the camp); Laundress (1), (laundry work); Examining Physician (1), (inspecting the health of individuals); Watchman (1), (guarding camp); Life Saver and Special Officer (1), (guarding lives); Instructress (1), (general instructions); Waitress (1), (waiting on table); Kitchen Help (3), (kitchen work); Dormitory Cleaner (1), (cleaning of dormitory); Playhelper (1), (assists in recreations).

City Clerk.

Unclassified.—City Clerk.

Exempt.—Private Secretary (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Clerks, Stenographers, Clerk and Interpreter, Typewriter, Messenger, Assistant Messenger, Watchman and Repairer, Inspectors, Clerk and Overseer of Election Property, Stenographer and Typewriter, Clerk in Martin Act Department.

Non-Competitive.—Pages (2), (messengers to common council); Title Searchers in Martin Act Department (4), (searching titles).

Special Public Band Concerts.

Competitive.—Supervisor.

Department of Comptroller.

Unclassified.—Comptroller.

Exempt.—Secretary to Comptroller (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Clerks, Messenger, Draughtsman, Stenographer.

Criminal Courts.

Unclassified.—Judges.

Competitive.—Clerk, Deputy Clerk, Interpreters.

Excise Commission.

Unclassified.—Members of Commission.

Competitive.—Clerk, Excise Inspectors.

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Fire Department.

Unclassified.—Members of Commission.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3); Chaplains.*

Competitive.—Chief Engineer, Deputy Chiefs, Battalion Chiefs, Clerk, Messenger, Inspector of Combustibles, Assistant, File Clerk, Veterinarian, Superintendent of Telegraph, Foreman of Linemen, Inspector of Apparatus, Blacksmith, Linemen, Telegraph Operators, Superintendent of Repairs, Assistant, Carpenter, Janitor, Lieutenants, Captains, Firemen, Stablemen, Surgeon and Medical Examiner, Office Boy, Night Watchman, Bill Clerk, Chief Mechanician of Motor Vehicles.

Inspector of Gas and Gas Meters.

Unclassified.—Inspector.

Public Health.

Unclassified.—Members of Board.

Competitive.—Health Officer, Stenographer, Clerks, Telephone Operator, Chief, Disinfecting Corps, Chemist, Veterinarian, Meat Inspector, Chief, Plumbing Department, Office Boy, Plumbing Inspectors, Drugs and Food Inspectors, Detailed Special Inspectors, Dentist, Medical Director, Nurses, Inspectors, Mosquito Work, Superintendent of Bureau of Contagious Diseases, Inspector Nurses, Sanitary Inspectors, Janitors, Meteorologist, Bacteriologist, Assistant Bacteriologist, Second Assistant Bacteriologist, Laboratory Assistant, Culture Collector, Apothecary, Assistant Apothecary, District Physicians, Superintendent and Head Nurse, Engineer, City Dispensary Nurse, Chief Food and Drug Inspector, Porter (\$600.00 per annum), Detailed Inspectors, Night Watchman at Sanatorium, Supervisor of Midwifery, Chief of Tuberculosis Bureau, Supervisor, Interne, Housekeeper, Milk Inspector, Chief of Tuberculous Clinic, Chief Assistant in Tuberculous Clinic, Nurses, Chauffeur, Assistant Housekeeper, Stenographer.

Non-Competitive.—Porters (4), (handymen); Cooks (2), (cooking for patients); Maid (1), (general work); Waitresses, (waiting in dining-room); Laundresses (3), (general laundry work); Orderlies (10), (general helpers); Stableman (1), (care of stable); Kitchen Help (4), (kitchen work); Waiters (10), (waiting in dining-room); Masseur (1), (massaging); Helper (1), (utilityman).

Labor Class.—Laborer (mosquito work), Scrub-woman, Cleaners.

Public Health (Department of Child Hygiene).

Competitive.—Director, Stenographer and Clerk, Clinic Physician, Teachers of Child Hygiene, Secretary to Department.

City Home.

Unclassified.—Trustees.

Competitive.—Superintendent, Matrons, Physician, Accountant and Steward, Printer, Engineer, Tailor, Shoemaker, Baker, Laundryman, Fireman, Farmer, Watchman, Teachers, Janitor and Relief Officer, Bandmaster, Cottage Masters, Parole Officer, Cottage Manager and Physical Instructor, Cook, (\$65 mo.), Clerk and Stenographer.

Non-Competitive.—Cooks (1), (cooking); Barber (1), (care of hair); Janitor (1), (general janitor's work).

Labor Class.—Laborer.

* Special action of Commission (see Appendix II).

Municipal Hospital.

Competitive.—Superintendent, Bookkeeper, Matron, Pharmacist, Stenographer, Chief Engineer, Storekeeper, Telephone Operator, Historian, Pathologist, Night Watchman, Door Boy, Clerk, Elevator Runner, Night Engineer, Assistant Fireman, Carpenter, Assistant Chauffeur, Baker, Principal, Assistant Principal, Operating Nurse, Assistant Superintendent, Inspector, Instructor of Nurses, Assistant to Pathologist, Fireman, Painter, Chauffeurs, Butcher, Laundryman, Chef, Night Supervisor, Night Superintendent, Roentgenologist, Janitor, Assistant Engineer, Chief Resident Physician, Operating-Room Supervisor.

Non-Competitive.—Charge Attendant, (attending patients); Food Car Help (5), (handling food car); Kitchen Help (12), (helping cooks); Seamstress (1), (sewing and mending); Charge Nurse (3), (nursing patients); Assistant Seamstress (1), (sewing and mending); Elevator Runners (7), (operating elevators); Laundry Help (17), (assisting in laundry); Orderlies (24), (general helpers); Ward Maids (20), (cleaning room, etc.); Cook (1), (cooking); Utilitymen (2), (handymen); Housekeeper, (taking care of dining-room); Waitresses (12), (waiting on table); Nurses (86), (nursing patients); Porters (16), (general helpers); Cleaners (15), (general cleaning); Night Telephone Operator, (attending telephone at night, \$240.00 per annum); Admitting Officer (1), (examining physician); Boiler-room Helper (1), (attends to boilers); Interne Pathologist (1), (resident physician); Attendant (1), (attending patients); Supervisor of Central linen-room (supervising).

Board of Commissioners of Assessments for Local Improvements.

Unclassified.—Members of Commission.

Competitive.—Clerks and Surveyors, Clerk, Assistant.

Law Department.

Unclassified.—City Counsel, City Attorney, Assistant City Attorney.

Exempt.—Private Secretary, (Secretary to Counsel, Sec. XIII (4)).

Competitive.—Clerks, Stenographers, Messenger.

Free Public Library.

Unclassified.—Members, Board of Trustees.

Exempt.—Head of Reference Department,* Assistant in Art Department,* Head of Children's Room,* Head of Art Department,* General Assistant in Foreign Branch*.

Competitive.—Librarian, Head of Technical Department, Head of Lending Department, Head of Catalogue Department, Head of School Department, Messengers, Janitors, Engineers, Messenger and Exhibit Clerk, Messenger and Press Operator, Elevator Man, Assistant Librarian, Librarian's Secretary, Library Assistants, Firemen, Educational Expert.

Non-Competitive.—Messengers (45), (taking books from shelves, returning, labelling, etc.); Advanced Messengers (8), (taking books from shelves, returning, labelling, etc.).

License Department.

Competitive.—Inspector, Assistant License Inspectors.

Public Markets.

Exempt.—Market Clerk*.

Competitive.—Market Policemen, Assistant Clerk.

Labor Class.—Foreman of Market Sweepers, Market Sweepers.

* Special action of Commission (see Appendix II).

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Mayor's Department.

Unclassified.—Mayor, Secretary to Mayor, Clerk.

Competitive.—Stenographer.

City Plan Commission.

Unclassified.—Members of Commission.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3); Experts*.

Competitive.—Stenographer.

Board of Recreation Commissioners.

Unclassified.—Members of Commission.

Exempt.—Secretary to the Board, (Secretary to Board, Sec. XIII (3).

Competitive.—Secretary and Assistant Custodian, Superintendent, Assistant Custodians, Director, Instructors, Caretakers, Stenographer, Repairman, Play Leader, Fireman.

Non-Competitive.—Helpers (28), (helping and instructing in boys' games); Instructor in Dancing (1), (dancing instructor); Instructor in Drum and Fife (1), (musical instructor); Matron (1), (care of playground); Instructor in Music (1), (teaching music).

Labor Class.—Laborers.

Board of Recreation Commissioners (Public Baths).

Competitive.—Superintendent, Assistant Superintendent, Engineers, Matrons, Inspectors, Bath Attendants, Inspector and Recording Secretary, Construction and Repair Foreman.

Labor Class.—Laborers, Cleaners.

Police Department.

Unclassified.—Members of Commission, Chaplains.

Exempt.—Secretary to Department, (Secretary of Department, Sec. XIII (3).

Competitive.—Clerks, Police Surgeons, Matrons, Assistant Matrons, Chauffeurs, Chief of Police, Inspectors, Captains, Sergeants, Patrolmen, Lieutenants, Telephone Operators.

Poor and Alms.

Unclassified.—Overseer of Poor.

Exempt.—Assistant Overseer of the Poor, (First Assistant, Sec. XIII (1).

Competitive.—Clerk, Matron, Engineer, Firemen, Steam and Electrical Engineer, Visitors, Physician, Watchman, Bookkeeper, Gardener.

Non-Competitive.—Superintendent of City Cemetery (1), (burial of dead, paid by fee); Driver (1), (driver of supply wagon); Cook (1), (cooking); Orderly (1), (general helper); Utilityman (handyman).

Labor Class.—Laborer.

Shade Tree Commission.

Unclassified.—Members of Commission.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3).

Competitive.—Clerks, Office Assistant, Arboriculturist, Assistant Foreman and Caretaker, Attendants, Stenographers and Typists, Forester, Foremen, Park Custodian.

* Special action of Commission (see Appendix II).

REPORT OF CIVIL SERVICE COMMISSION. 31

Non-Competitive.—Drivers (2), (driving); Helper (1), (helping with general work); Watchman (1), (watching grounds).

Labor Class.—Laborers, attendant (irregular work).

Smoke Abatement.

Unclassified.—Smoke Inspector.

Competitive.—Clerk.

Board of Street and Water Commissioners.

(Executive Department.)

Unclassified.—Members of Board.

Exempt.—Secretary to President, (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—General Superintendent of Works, Chief Engineer, Deputy Chief Engineer, Clerk, Assistant Clerk and Stenographer, Clerk of Board.

Department of Water.

Competitive.—Foreman, Assistant Foreman, Repairmen, Inspectors, Tappers, Carpenters, Chauffeur, Plumbers, Meter Repairers, Meter Stock Clerk, Factory Stock Clerk, Stock Clerk, Stenographer and Clerk, Inspector of Manufacture of Pipe, Assistant Cashier, Assessor, Bookkeeper, Chief Meter Clerk, Janitor, Engineer and Superintendent, Assistant Engineers, General Utility Clerk, Blacksmith, Turnoffs and Collectors, Masons, Addressograph Clerk, Meter Clerk, Harness Repairer, Reservoir Keepers, Plumbers' Helpers, Meter Reader, Meter Inspector, Caulker, Garage Attendant, Stock Keeper, General Helper, Stenographer, Cashier, Assistant Cashier and Searcher, Assistant Assessor, Assistant Bookkeeper, Clerks, Telephone Operator, Assistant Timekeeper, Assistant Superintendent of Inspectors, Service Men, Clerk of Meter Repairers, Searcher, Assistant Keeper Cedar Grove Reservoir, Keeper Belleville Reservoir Gas House, Keeper Intake Gas House, Keeper Rain Gauge, Orean Park Reservoir; Keeper at Canister Reservoir, Rodmen, Vehicle Record Clerk, Levelman, Automobile Machinist, Time and Stock Keeper, Construction Inspector, Superintendents of Inspectors, Special Inspectors, Principal Plumber, Keeper Cedar Grove Reservoir, Superintendent of Conduits, Superintendent of Watershed, Inspector of Watershed, Keeper Oak Ridge Reservoir, Caretaker Orean Park, Draftsman, Reservoir Keepers, Office Watchman, Meter Ledger Clerks, Utility Clerks, Draughtsman and Transitman, Chemist.

Non-Competitive.—Carpenter (1), (carpenter work); Messenger (1), (general office boy); Flushers (2), (flushing hydrants); Assistant Foremen (2), (assistants to foremen, \$1.75 to \$2.00 per day); Mechanical Engineer (1), (engineering work).

Labor Class.—Superintendent of Cartage, Drivers, Laborers, Stablemen, Watchmen, Special Laborers, Garage Helpers, Utilitymen.

Streets and Highways.

Competitive.—Assistant General Superintendent of Works, Second Assistant General Superintendent of Works, Machinist, Blacksmiths, Assistant Superintendent of Street Repairs, Inspector of Cuts and Depressions, Supervisor, Head Bookkeeper, Pay-Roll Clerk, Time Keeper, Clerks, City Trolley Inspector, Permit Clerk, Foremen, Assistant Trolley Inspectors, Assistant Superintendent of Stables, Harness Maker, Engineer, Steam Roller; Type-writer and Stenographer, Inspector of Complaints, Inspectors, Superintendent of Stables, Lamp Man, Painter, Carpenter, Assistant Machinist, Superintendent of Street Repairs, Inspector of Conduits, Keeper of Tools, Pavers.

Non-Competitive.—Keeper of Stone Yard (1), (taking care of stone yard).

Labor Class.—Stablemen, Drivers, Watchmen, Laborers, Rammer Helper.

Sewers and Drainage.

Competitive.—Superintendent, Head Bookkeeper, Tap Inspector, Assistant Superintendent, Foreman and Mason, Firemen, Carpenter, Rainfall Reporter, Assistant Tap Inspector, Foremen, Engineers, Detailmen, Bracer.

Non-Competitive.—Gate Tender (1), (attending gate).

Labor Class.—Laborers, Shovelers, Drivers, Utilitymen.

Scavenger.

Competitive.—Inspectors, Ass't Supt. in Refuse Collection.

Sidewalks.

Competitive.—Superintendent, Inspector, Assistant Superintendent, Special Inspector.

Wharves.

Non-Competitive.—Wharfmaster (1), (caretaker at wharf).

Public Lighting.

Competitive.—Superintendent of Lighting, Assistant Superintendents of Lighting.

House Sewer Connections.

Competitive.—Foremen, Rodman, Draftsman, Clerk.

Labor Class.—Laborers, Utilityman.

Surveyor's Department.

Competitive.—Engineer Streets and Highways, Engineer Sewers and Drainage, Principal Office Assistant, Principal Assistant Engineers, Transitman, Rodman, Helpers, Engineers of Construction, Assistant Engineers, Engineer, House Connections; Secretary to Chief Engineer, Stenographer and Typewriter, Inspectors, Chemist, Foreman and Engineer of Asphalt Repairs, Engineer of Street Maintenance and Repairs.

Docks and Meadows.

Competitive.—Inspector of Dock Construction, Clerk, Brakeman, Locomotive Hostler, Foreman, Transitmen, Draughtsmen, Inspector, Rodmen, Helpers, Power Boat Operator, Motor Boat Operator, Stenographer and Typewriter, Locomotive Engineers, Levelers, Watchmen (\$17.50 per week), Stenographer, Engineer of Locomotive Crane, Special Agent.

Labor Class.—Watchmen, Laborers, Rammers.

Board of Assessment and Revision of Taxes.

Unclassified.—Members of the Board.

Exempt.—Secretary, (Secretary of Board, Sec. XIII (3)).

Competitive.—Chief Clerk, Clerks, Assistant Assessors, Surveyor, Assistant Surveyors.

Receiver of Taxes.

Unclassified.—Receiver of Taxes.

Exempt.—Private Secretary, (Secretary of Department, Sec. XIII (3)).

Competitive.—Chief Clerk, Assistant Cashiers, Deputy Collectors, Cashier Clerks, Typewriters.

City Treasurer.

Unclassified.—City Treasurer.

Exempt.—Private Secretary, (Secretary of Department, Sec. XIII (3).

Competitive.—Clerks, Bookkeepers.

Weights and Measures.

Unclassified.—City Sealer.

Exempt.—Private Secretary, (Private Secretary to Principal Executive Officer, Sec. XIII (4).

Competitive.—Assistant Sealers.

SCHOOL DISTRICT OF NEWARK.

Attendance*Department.

Competitive.—Supervisor, Stenographers, Attendance Officers, Assistant Supervisor of Attendance.

Construction Department—Architect's Division.

Unclassified.—Supervising Architect.

Competitive.—Senior Draughtsmen, Junior Draughtsmen, Stenographers, Senior Draughtsman and Inspector, Telephone Operator, Structural Engineer, Clerks, Inspectors, Building Inspector.

Construction Department—Engineer's Division.

Unclassified.—Supervising Engineer.

Exempt.—Chief Clerk and Stenographer, (Clerk of Department, Sec. XIII (3).

Competitive.—Clerks, Steamfitter, Plumbers, Draughtsman, Chief Clerk, Repair Department; Draughtsman and Inspector, Assistant Engineer, Office Boy.

Non-Competitive.—Janitress (1), (cleaning, etc.); Steamfitter's Helper (1), (helping steamfitter); Plumber's Helpers (3), (helping plumber).

Labor Class.—Laborer, Gardener.

Medical Inspection Department.

Unclassified.—Supervisor of Medical Inspection.

Competitive.—Stenographers, Sanitary Inspector, School Nurses, Medical Inspectors, Assistant to Supervisor, Dental Operators.

Janitors' Department.

Competitive.—Janitors, Firemen.

Repair Department.

Competitive.—Supervisor of Repairs, Clerks, Driver, Carpenters, Shop Foreman, Painters, Foreman Painter, Painting Inspector.

Non-Competitive.—Painter's Helper (1), (helping painter).

Labor Class.—Laborers.

Secretary's Department.

Unclassified.—Secretary, Counsel.

Competitive.—Assistant Secretary, Clerks, Office Boy, Stenographer and Clerk, Stenographer.

City Superintendent's Department.

Unclassified.—City Superintendent, Custodian of School Moneys, First Assistant City Superintendent, Assistant City Superintendent.

Competitive.—Stenographer and Clerk, Stenographers, Clerks, Librarian.

Supplies Department.

Competitive.—Supervisor of Equipment, Superintendent of Supplies, Assistant Superintendent of Supplies, Clerks, Stores Clerks, Assistant Stores Clerks, Bookkeeper, Stenographers, Order Clerk, Assistant Order Clerks, Junior Clerk, Mechanic, Assistant Sanitary Inspector, Chauffeur, Assistant Stores Clerk and Driver.

ESSEX COUNTY.

County Auditor's Office.

Unclassified.—County Auditor.

Exempt.—Secretary to County Auditor, (Secretary to Auditor, Sec. XIII (4)).

Competitive.—Clerk.

Public Buildings.

Competitive.—Inspector of Public Buildings.

Bridge, Belleville Free.

Competitive.—Attendant.

Bridge, Nutley Free.

Competitive.—Attendants.

County Clerk's Office.

Unclassified.—County Clerk.

Exempt.—Deputy County Clerk, (Deputy to Principal Executive Officer, Sec. XIII (1)); Secretary to County Clerk, (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Clerks, Recorder, Bookkeeper, Copyist.

County Collector.

Unclassified.—County Collector.

Competitive.—Clerk.

Exempt.—Private Secretary to County Collector, (Secretary to Principal Executive Officer, Sec. XIII (4)).

County Counsel.

Unclassified.—County Counsel.

Exempt.—Clerk (Clerk to Principal Executive Officer, Sec. XIII (4)); Assistant County Counsel, (Legal Assistant, Sec. XIII (2)); County Attorney, (Legal Assistant of the Law Department, Sec. XIII (2)).

Competitive.—Law Librarian.

Court of Common Pleas.

Competitive.—Stenographer, Clerks.

Court House Employes.

Competitive.—Superintendent, Engineer, Carpenter, Firemen, Center Man, Stewardess, Elevator Attendants, Watchman, Porters, Cuspidor Cleaners, Telephone Operator, Utilityman.

Labor Class.—Charwomen, Washwoman.

Register of Deeds and Mortgages.

Unclassified.—Register.

Exempt.—Deputy Register, (Deputy of Principal Executive Officer, Sec. XIII (1)).

Competitive.—Head Clerk and Bookkeeper, Custodian, Clerks, Copyists, Indexer, Assistant Indexers, Comparers.

House of Detention.

Exempt.—Physician.**

Competitive.—Superintendent, Matron, Janitor, Assistant Superintendent, Guards, Juvenile Instructor.

Non-Competitive.—Cook, (cooking); Assistant Matron (1), (assistant to matron).

Board of Elections.

Unclassified.—Members of Board.

Exempt.—Clerk, (Secretary of Board, Sec. XIII (3)).

Competitive.—Stenographer and Typewriter.

County Engineer.

Unclassified.—County Engineer.

Exempt.—Secretary to County Engineer, (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Assistant Engineers, Levelman.

Board of Freeholders.

Unclassified.—Clerk to Board.

Competitive.—Deputy Clerk.

Hospital for Contagious Diseases.

Exempt.—Superintendents,** Internes.**

Competitive.—Pathologist, Matron and Head Nurse, Assistant Matron and Head Nurse, Clerk, Chauffeur, Inspector, Relief Assistant Engineer and Fireman, Engineer, Assistant Engineers, Stock Clerk, Laundry Man, Telephone Operators, Watchman, Assistant Head Nurse and Matron, Clerk of Hospital and Secretary to Board, Carpenter, Pharmacist.

Non-Competitive.—Coal Passer (1), (shoveling coal); Kitchen Help, (helping in kitchen); Cooks (10), (cooking for patients); Laundry Help (8), (general laundry work); Seamstress (1), (sewing and mending); Assistant Chauffeur (1), (drives ambulance); Chambermaids (7), (care of rooms); Waitresses (3), (waiting on table); Ward Maids (9), (cleaning, etc.); Orderlies (7), (general utility men); Nurses (20), (nursing patients);

** Official who must be physician (Section XIII (5)).

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Scrub Men (2), (scrubbing); Ambulance Drivers (2), (driving horse ambulance); Hall-man (1), (care of halls); Cleaners (3), (general election); Butcher (1), (attends to meats); Day Worker (1), (working by day).

Labor Class.—Laborers.

Hospital for Insane.

Unclassified.—Warden.

Exempt.—Medical Interne,** Assistant Physician,** Secretary to the Warden, (Secretary to Principal Executive Officer, Sec. XIII (4); Field Worker.*

Competitive.—Medical Record Clerk, Typewriter, Firemen, Assistant Engineers, Steward, Stock Clerk, Assistant Stock Clerk, Assistant Fireman, Fire Patrols, Carpenters, Assistant Carpenter, Supervisors, Assistant Chief Engineer, Clerk, Chief Engineer, Assistant Druggist, Telephone Operators, Steamfitter, Plumbers, Steamfitter's Help, Electrician, Painters, Cabinet Maker, Teacher, Chef, Baker, Superintendent of Laborers, Chief Laundryman, Foreman of Farm, Office Messenger, Florist, Matron, Butcher, Engineer, Farm Superintendent, Mattress Maker, Assistant Supervisors, Assistant Baker, Foreman of Barn, Watchman, Housekeeper (\$50.00 per month and maintenance), Assistant Physician and Pathologist.

Non-Competitive.—Copyist (1), (office attendant); Attendants (104), (care of patients); Nurses (138), (care of patients); Home Caretakers (3), (taking care of home); Assistant Chefs (3), (cooking); Cooks (5), (cooking); Housekeeper (1), (housekeeping); Waiter (1), (waiting on table); Kitchen Messengers (27), (conveying food); Head Waitress (1), (care of dining-room); Waitresses (18), (care of dining-room); Seamstresses (6), (sewing and mending); Plumber's Help (1), (helping plumber); Laundry Help (7), (general laundry work); Drivers (2), (driving); Laboratory Attendant (1), (assists in laboratory); Orderly (1), (general helper); Ward Maids (2), (cleaning wards, etc.); Kitchen Help (1), (kitchen work); Kitchen Firemen (2), (attending kitchen fires); Special Attendant (1), (charge of soap factory).

Labor Class.—Laborers, Drivers, Teamsters, Farm Hand.

South Orange Avenue Asylum.

Competitive.—Watchman.

Jail.

Exempt.—Physician.**

Competitive.—Warden, Deputy Warden, Fireman, Matron, Keepers, Engineers, Clerk, Female Guard.

Non-Competitive.—Cooks (2), (cooking).

Mosquito Extermination Commission.

Unclassified.—Commissioners.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3)).

Competitive.—Stenographer, Chief Inspector, Deputy Chief Inspectors, Inspector of Meadows, Utilityman, Foreman of Sewer Catch Basin Oiling, Inspectors, Inspector of Dumps, Assistant Inspector.

Non-Competitive.—Consulting Engineer (1), (adviser in construction).

Labor Class.—Laborers.

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

Penitentiary.

Unclassified.—Warden.

Exempt.—Physician,** Secretary to Warden (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Chief Engineer, Assistant Engineer, Yard Captain, Druggist, Deputy Warden, Matron, Center Man, Assistant Center Man, Keepers, Steward, Assistant Matron, Chef, Watchman, Engineer.

County Physician.

Unclassified.—County Physician.

Prosecutor of the Pleas.

Competitive.—Stenographer.

Purchasing Department.

Unclassified.—Agent.

Exempt.—Secretary (Secretary to Principal Officer, Sec. XIII (4)).

Essex and Hudson Lincoln Highway and Bridges.

Competitive.—Captains, Road Foreman, Inspectors, Bridgemen, Roadmen, Attendants, Engineers, Traffic Guards.

Labor Class.—Basin Cleaners, Drivers.

Bridge Street Free Bridge.

Competitive.—Superintendent, Attendants, Engineers, Inspector.

Clay Street Free Bridge.

Competitive.—Superintendent, Attendants, Engineers.

Jackson Street Free Bridge.

Competitive.—Superintendent, Attendants, Engineers, Bridgeman.

Roads and Assessments.

Unclassified.—Supervisor.

Competitive.—Superintendents, Clerk, Engineer, Engineers on Steam Rollers, Foreman, Inspectors.

Non-Competitive.—Traffic Enumerator (1), (duties of traffic enumerator).

Labor Class.—Laborers, Drivers, Teamsters, Watchmen on Steam Rollers, Road Patrolmen.

Board of Trustees of the Parental School.

Unclassified.—Superintendent, Secretary, Assistant to the Secretary.

Sheriff's Office.

Unclassified.—Sheriff.

Exempt.—Under Sheriff and First Assistant, (Deputy or First Assistant of Principal Executive Officer, Sec. XIII (1); Private Secretary to Sheriff, Private Secretary to Principal Executive Officer, Sec. XIII (4), Under Sheriff.*

Competitive.—Under Sheriffs, Court Attendants, Chauffeur, Clerk, Female Guards, Typewriter, Copyist, Chief Inspector.

* Special action of Commission (See Appendix II).

** Official who must be physician (Section XIII (5)).

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Soldiers' Burials.

Non-Competitive.—Superintendent, (charge of burials).

Surrogate's Office.

Unclassified.—Surrogate.

Exempt.—Deputy Surrogate, (Deputy of Principal Executive Officer, Sec. XIII (1); Private Secretary, (Private Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Clerks, Probate Clerks, Clerk and Custodian of Vault, Administration Clerk, Typewriter Copyist, Copyist, Stenographer to Surrogate and Correspondence Clerk, Cashier and Accountant.

Weights and Measures.

Unclassified.—Superintendent.

Exempt.—Secretary to Superintendent of Weights and Measures, (Private Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Assistant Superintendents.

CITY OF EAST ORANGE.

Department of Auditor.

Unclassified.—Auditor.

Competitive.—General Bookkeeper, Voucher Clerk.

Department of Buildings.

Unclassified.—Inspector.

Competitive.—Assistant Building Inspector.

City Clerk.

Unclassified.—City Clerk.

Competitive.—Deputy City Clerk.

Miscellaneous.

Competitive.—Inspector of Dumps, Clerk to Sinking Fund Committee, Clerk to Council Committee, Stenographer, Janitor, Dog Warden.

City Engineer.

Unclassified.—City Engineer.

Competitive.—Chief Field Engineer, Clerk, Transitman, Foreman, Assistant Foreman, Inspectors, Paver, Steam Roller Engineer, Blacksmith and Steam Roller Engineer, Superintendent of Road Repairs and Maintenance, Flagger.

Labor Class.—Drivers, Cartmen, Teamsters, Laborers, Watchman.

Excise Commission.

Exempt.—Clerk, (Clerk of Board, Sec. XIII (3)).

Fire Department.

Unclassified.—Members of Commission, Chief Engineer.

Competitive.—Assistant Chief Engineer, Electrician, Assistant Electricians, Captains, Firemen, Lieutenants.

Non-Competitive.—Clerk (1), (clerical work).

Department of Health.

Unclassified.—Members of Board, City Physician.

Competitive.—Health Officer and Secretary, Assistant to the Health Officer, Bacteriologist, Stenographer, Plumbing Inspector, Chief Sanitary Inspector, Infant Welfare Nurse.

Free Public Library.

Competitive.—Librarian, First Assistant Librarians, General Assistant Librarians, Head of Lending Department, Head of Catalogue Department, Janitor, Typist and Cataloguer, Senior Assistant, Children's Librarian, Junior Assistants, Stenographers.

Non-Competitive.—Pages (6), (helpers in office); Janitor's Helper (1), (assisting janitor); Page and Janitor's Helper (1), (assists in library).

Parks and Parkways.

Competitive.—Caretaker.

Board of Recreation Commissioners.

Unclassified.—Members of Commission.

Competitive.—Secretary and General Custodian, Superintendent of Oval, Caretaker, Supervisors.

Non-Competitive.—Supervisors (4), (supervision of outdoor sports); Tennis Instructor and Assistant Supervisor of Boys (1), (supervision of East Orange Oval); Assistant Supervisor of Girls, (supervision of girls); Supervisor of Girls and Small Children (1), (supervising girls and small children); Supervisor of Boys (1), (supervising boys).

Labor Class.—Laborers, Assistant Caretaker.

Police Department.

Unclassified.—Members of Commission, Chief.

Competitive.—Sergeants, Detectives, Lieutenants, Patrolmen, Clerk.

Poor and Alms.

Unclassified.—Overseer of the Poor.

Recorder's Court.

Unclassified.—Recorder.

Competitive.—Recorder's Clerk.

Shade Tree Commission.

Unclassified.—Members of Commission.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3)).

Competitive.—Foreman, Superintendent.

Labor Class.—Laborers, Water-Boy.

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Department of Street Sprinkling.

Non-Competitive.—Inspector (1), (inspecting street sprinkling).

Collector of Taxes and City Treasurer.

Unclassified.—Collector of Taxes, Custodian of School Funds, City Treasurer.

Competitive.—Chief Clerk, Deputy for the Collection of Arrears, General Clerk, Office Assistant.

Water Department.

Unclassified.—Members of Commission.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3)).

Competitive.—Head Bookkeeper Clerk, Principal Assistant Engineer, Engineer, Assistant Engineer, Assistant Engineer and Transitman, Water Registrar, Clerk, Foremen, Engineer of Pumping Plant, Farm Overseer, Stenographer, Chief Inspector, Transitman, Draftsman, Mechanic and Meter Setter and Enginemen, Firemen, Plumber, Inspector, Chief Engineman at Pumping Station, Bookkeeper Clerk.

Labor Class.—Driver, Reservoir Keepers, Repairman and Laborer, Assistant Mechanic, Laborers, Caulker and Laborer, Teamster, Gatekeeper, Water-Boy.

CITY OF TRENTON.

Department of Public Affairs.

Unclassified.—Director, City Counsel, Supt. of Weights and Measures, City Clerk, City Attorney, Overseer of the Poor.

Exempt.—Secretary to the Mayor, (Secretary to Principal Executive Officer, Sec. XIII (4); Secretary to City Counsel and Clerk to Law Department, (Secretary or Clerk to Principal Executive Officers, Sec. XIII (4)).

Competitive.—Assistant City Clerk, Superintendent of Indoor Relief, Matron of Almshouse, Clerk of Law Department, City Physicians, Assistant City Physician, Superintendent of Tuberculosis Hospital, Stenographer to the Mayor, Assistant to Overseer of the Poor, Assistant to Superintendent of Tuberculosis Hospital, Dentist (Dental Clinic), Fireman at Tuberculosis Hospital.

Non-Competitive.—Orderly at Almshouse (3), (handymen); Nurses in Tuberculosis Hospital (5), (nursing patients); Cook, Tuberculosis Hospital (1), (cooking for patients); Maid, Tuberculosis Hospital (1), (housework); Laundress, Tuberculosis Hospital (1), (laundry work); Attendant, Dental Clinic (1), (office attendant); Handyman in Tuberculosis Hospital, (general helper); Housekeeper in Tuberculosis Hospital (1), (housework); Orderly in Tuberculosis Hospital (1), (handyman); Nurses at Almshouse (6), (nursing); Maids at the Almshouse (3), (housework); Clerk at Almshouse (1), (clerical work); Helper at Almshouse (1), (assists in work); Housekeeper, Almshouse (1), (housekeeping); Handyman (1), (general utility man); Helper in Tuberculosis Hospital (1), (handyman); Helper at Municipal Hospital (1), (assisting in work); Nurses at Municipal Hospital (2), (nursing); Maid at Municipal Hospital (1), (house work); Cook at Municipal Hospital (1), (cooking).

Fire Department—Public Safety.

Competitive.—Chief, Captains, Hosemen, Truck Drivers, Chauffeurs of Auto Engine, Lineman, Fire Alarm; Superintendent of Machinery, Lieutenants, Engine Stokers, Laddermen, Assistant Superintendent of Machinery,

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Secretary to Fire Department, Assistant Lineman, Fire Alarm; Assistant Chiefs, Engineers, Engine Drivers, Superintendent Fire Alarm, Firemen, Linemen, Battalion Chief.

Non-Competitive.—Laundresses (2), laundering house linen; Veterinarian (1), (care of horses); Surgeon (1), Medical Services, Department of Sick.

Department of Fire and Police.

Competitive.—Superintendent, Fire Alarm and Police Telegraph Systems; Lineman, Fire Alarm and Police Telegraph Systems; Assistant Lineman, Fire Alarm and Police Telegraph Systems.

Department of Garbage and Ashes—Public Safety.

Competitive.—Superintendent, Stable Boss, Night Watchman, Repairman, Clerk, Firemen, Horseshoer and Blacksmith.

Non-Competitive.—Stableman (1), (care of stable); Blacksmith's Apprentice (1), (assist blacksmith).

Labor Class.—Laborers, Cleaner, Drivers.

Department of Health—Public Safety.

Competitive.—Dairy Inspector, Health Officer, Inspector of Meats, Clerk to Health Officer and Registrar of Vital Statistics, Clerk to Health Officer, Inspector of Plumbing, Sanitary Inspectors, Chief Sanitary Inspector, Stenographer, Welfare Nurse.

• *Non-Competitive.*—Process Server (1), (serves notices for department).

Public Library.

Competitive.—Librarian, Chief of Children's Department, Librarian of Branch, Stenographer, Reference Librarian, Page and General Assistant, Chief of Circulation Department, General Assistants, Engineer and Janitor, Chief Cataloguer, Assistant Cataloguer, Full-time Page.

Non-Competitive.—Part-time Pages (4), (shelf work, etc.); Bookkeeper (1), (keeping a record of business transactions).

Municipal Building—Parks and Public Property.

Unclassified.—Director.

Competitive.—Custodian, Telephone Operator, Elevator Operator, Utility Man, Engineer, Night Watchman and Fireman, Cleaners—\$60 per month.

Labor Class.—Cleaners—20c. per hour.

Parks.

Competitive.—Assistant Superintendent of Parks.

Non-Competitive.—Animal House Attendant, (care of animals, etc.); Guards (6), (laborers and tree trimmers); Deer Park Guard, (care of animals, etc.); Caretaker (1), (care of grounds); Flag Raisers (2), (raising and lowering flag each day); Utility men (2), (handy men), Special Officer (1), (officer on grounds).

Labor Class.—Teamster, Stableman, Laborers.

Parks and Public Property—Playgrounds.

Non-Competitive.—Baseball Director (1), (director of boys' league); Swimming Directors (5) (director of swimming); Principals (12), (play instructors); Instructors (27), (play instructors); Secretary (1), (secretary to supervisor); Laborers (7), (work on playgrounds); Janitors (6), (general utility men); Carpenter (1), (carpenter work); Watchman, (watching grounds); Assistant Supervisor (1), (assists supervisor); Utility men (6), (general handy men); Vice-principals (7), (play instructors).

Police Department—Public Safety.

Unclassified.—Judge.

Competitive.—Chief, Captains, Roundsmen, Janitors, 1st Assistant of Police Telegraph, 2d Assistant of Police Telegraph, Superintendent of Police Telegraph, Motorcycle Policeman, Stableman, Sergeants, Patrolmen, Surgeon, Detective Sergeants, Clerks, Stenographer, Chauffeur, Chauffeur Machinist, Desk Sergeant, Policewoman.

Non-Competitive.—Janitress (1), (cleaning, etc.); Under-stableman and Washer (2), (stable work).

Revenue and Finance.

Unclassified.—Director, Treasurer, Comptroller, Receiver of Taxes, Assessors, Chief Clerk to Assessors.

Competitive.—Deputy Comptroller, Deputy Receiver of Taxes, Chief Clerk, Water Department; Clerks, Water Department; Clerks to Comptroller, Clerks, Assessors' Department; Treasurer's Clerk, Secretary-Treasurer, Water Department; Delinquent Tax Collectors; Clerk and Stenographer to Comptroller.

Public Safety.

Unclassified.—Director, Building Inspector.

Competitive.—Assistant Building Inspector, Excise Inspector, Stenographer.*

Non-Competitive.—Dog Catcher (1), (catching unlicensed dogs).

Streets and Public Improvements (City Engineer's Office).

Competitive.—Engineer of Sewers and Water, Engineer of Streets, Civil Engineer, Sewer Inspectors, Transfer and Office Clerk, Draughtsman and Mechanical Engineer, Street Inspectors, 1st Assistant Engineer of Streets, Assistant Engineer, Superintendent of Sewer Maintenance, Surveyors, Transmitters, City Chemist, Draughtsman, Assistant Superintendent of Streets, Rodmen.

Non-Competitive.—Handy Man (1), (runs automobile, gasoline engines and pumps, also works as carpenter).

Department of Streets and Public Improvements.

Unclassified.—Director.

Competitive.—Superintendent of Streets, Sidewalk Inspector, Clerk of Street Department, Pavers, Foremen, Utilitymen, Superintendent of Asphalt Repairs.

Labor.—Laborers, Teams, Carts, Hostler, Sweepers, Pavers' Helpers, Asphalt Laborers, Dump Leveler, Drivers, Sweepers.

Department of Water.

Unclassified.—Superintendent.

Competitive.—Inspector, Foremen, Utilityman, Carpenters, Tapper, Chauffeur, Mason and General Utilitymen, Plumber, Blacksmith, Carpenter's Helper, Draughtsman, Meter-man, Yardman, Reservoir Foreman, Caulkers, Sheather-Caulker, Meter Reader, Foreman Paver, House Inspector, Assistant Timekeeper and Assistant on Maps.

Non-Competitive.—Utilitymen (4), (general utility work).

Labor Class.—Laborers.

Department of Water—Pumping Station.

Competitive.—Chief Engineer at Pumping Station, Firemen, Weigher, Engineers, Repairing, Helpers (inside), First Assistant Engineers, Second Assistant Engineers, Assistant Firemen, Gas Engineers, Fireman and Pump Repairer.

Non-Competitive.—Helper (1), (care of buildings and grounds).

Labor Class.—Laborers at Sterilizing Plant.

Department of Water—Filtration Plant.

Competitive.—Chemist and Assistant Superintendent, Bacteriologist, Electrician, Filter Attendant.

MERCER COUNTY.

Olden Avenue Bridge.

Competitive.—Bridge Tenders.

Southard Street Bridge.

Competitive.—Bridge Tenders.

County Clerk.

Unclassified.—County Clerk.

Exempt.—Deputy County Clerk, (Deputy to Principal Executive Officer, Sec. XIII (1)).

Competitive.—Chief Clerk, Indexer, Stenographer and Copyist, Pen Copyist, Bookkeeper, Book-Typewriters, Typewriter and Pen Copyist.

County Collector.

Unclassified.—County Collector.

Competitive.—Bookkeeper and Typewriter.

Court House Committee.

Competitive.—Matron of Court House, Engineer, County Messenger, Telephone Operator, Fireman.

Non-Competitive.—Private Watchman (1), (watching building at night).

County Engineer.

Unclassified.—County Engineer.

Competitive.—Surveyor, Rodmen, Bridge Inspectors.

Board of Chosen Freeholders.

Unclassified.—County Physician, Clerk to Board.

Competitive.—Stenographer.

Non-Competitive.—Superintendent of Mercer County Cemetery (1), (charge of cemetery); Patrolman of Chambers Street Bridge (1), (patrols bridge).

Legal Department.

Unclassified.—County Solicitor.

Competitive.—Stenographer.

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County Roads.

Unclassified.—Supervisor of Roads.

Competitive.—Steam Roller Engineers, Foremen, Auto-truck Driver, Superintendent of Block System of Road Patrol, Section Boss.

Non-Competitive.—Patrolmen (2), (keep sections of road in repair).

Labor Class.—Laborers, Teams, Horse and Cart.

Prosecutor of the Pleas.

Competitive.—Stenographer.

Surrogate's Department.

Unclassified.—Surrogate.

Exempt.—Deputy Surrogate, (Deputy of Principal Executive Officer, Sec. XIII (1)).

Competitive.—Chief Clerk, Copyist.

Superintendent of Schools.

Unclassified.—Superintendent.

Exempt.—Clerk and Typist, (Clerk to Superintendent, Sec. XIII (4)).

Sheriff's Department.

Unclassified.—Sheriff.

Exempt.—Under Sheriff, (First Assistant to Principal Executive Officer, Sec. XIII (1)).

Competitive.—Sheriff's Deputies, Jailers, Court Attendants, Entry Clerk and Typist, Matron, Warden.

Mercer County Workhouse.

Competitive.—Warden, Center Keeper and Deputy Warden, Driller and Blaster, Tailor, Night Guards, Steward, Matron, Carpenter and Superintendent of Quarry, Assistant in Building, Engineers, Day Guards, Farmer.

Non-Competitive.—Assistant Matron (1), (assisting matron); Farmer's Assistant (1), (assisting farmer).

Weights and Measures.

Unclassified.—Superintendent.

JERSEY CITY.

Department of Public Affairs.

Unclassified.—Commissioner.

Department of Public Affairs.

(Department of City Clerk.)

Unclassified.—City Clerk.

Competitive.—City Marshal, Assistants to Clerk, Chief Inspector, Inspectors, Assistant to Overseer, Ambulance Driver, Clerks, Superintendent of Poor, Superintendent of Buildings, Clerk to Superintendent of Buildings, Inspector of Scales.

Labor Class.—Janitrix to Overseer.

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Department of Parks and Public Property.

Unclassified.—Commissioner.

(Coles Street Baths.)

Competitive.—Superintendent, Attendants, Firemen and Pipe Fitter, Firemen.

(Fourteenth and Erie Street Baths.)

Competitive.—Attendants, Fireman.

Department of Revenue and Finance.

Unclassified.—Commissioner.

Exempt.—Deputy to Commissioner.* Private Secretary, (Private Secretary to Principal Executive Officer, Sec. XIII (4); Purchasing Agent,* General Storekeeper.*

Competitive.—Stenographer to General Purchasing Agent, Record Clerk, Stenographer to Commissioner, Chief Clerk, Cashier, Chief Accountant, Clerks, Bookkeeper, Examiner of Claims, Division of Audit of School Districts: Auditing Clerk of Claims, Division of School Districts, Chief Accountant.

Department of Public Affairs.

(Executive Department.)

Unclassified.—Mayor.

Exempt.—Secretary to Mayor, (Secretary of Principal Executive Officer, Sec. XIII (4)).

Competitive.—Stenographer.

Department of Public Affairs.

(Department of Excise.)

Competitive.—Inspectors, Assistant Clerk.

Department of Public Safety.

Unclassified.—Commissioner.

Exempt.—Deputy to Commissioner,* Secretary to Commissioner, (Secretary to Principal Executive Officer, Sec. XIII (4)).

Department of Public Safety.

(Fire Department.)

Exempt.—Chaplains.*

Competitive.—Chief Engineer, Assistant Engineer, Inspector of Combustibles and Fire Risks, Assistant Inspector of Combustibles and Fire Risks, Medical Examiners, Battalion Chiefs, Inspector of Horses, Superintendent of Telegraph, General Clerk, Telegraph Linemen, Captains, Lieutenants, Engineers, Hosemen, Drivers, Stokers, Truckmen, Tillermen, Veterinary and Inspector of Horses in all City Departments, Superintendent of Repairs, Clerk to Department.

* Special action of Commission (see Appendix II).

Department of Parks and Public Property.

(City Hall.)

Competitive.—Clerk, Hallman, Firemen, Elevator Runners, Telephone Operator, Engineer, Watchman, Janitor, Porters.

Non-Competitive.—Utilityman (1), (handyman).

Labor Class.—Cleaners, Laundress, Laborers.

Department of Streets and Public Improvements.

(Harbor Board.)

Exempt.—Engineer.*

Competitive.—Watchman, Wharfinger, Superintendent South Cove.

(Commissioner of Assessments.)

Unclassified.—Commissioner of Assessments, Members of Board.

Competitive.—Chief Clerk, Clerk and Draughtsman.

Departments of Streets and Public Improvements.

Unclassified.—Commissioner.

Exempt.—Secretary to Commissioner, (Secretary to Principal Executive Officer, Sec. XIII (4), Deputy to Commissioner.*

Competitive.—Chief Clerk to Department, Utilityman, Chauffeur.

Department of Public Affairs.

(City Hospital.)

Exempt.—Radiographer.*

Competitive.—Superintendent, Supervising Nurse, Day Supervisor, Night Supervisor, Druggist, Chief Cook, Head Laundress, Firemen, Assistant Pharmacist, Night Superintendent, Utilityman and Chauffeur, Housekeeper, Nurses (\$600 per annum), Matron, Clerk, Assistant Clerk and Telephone Operator, Chauffeur and Mechanic, Chauffeur and Assistant Mechanic, Laundry Foreman, Engineers, Superintendent of Training School, Assistant Superintendent of Nurses, Chauffeur, Chief Clerk, Assistant Chauffeur and Utilityman.

Non-Competitive.—Seamstress (1), (sewing and mending); Laundry Help (3), (laundry work); Porters (4), general work; Cooks (7), (cooking); Waitresses (4), (waiting on table); Orderlies (17), (general utilitymen); Nurses (52), (nursing); Attendant (1), (elevator conductor); Utilitymen (6), (handymen); Kitchen Help (1), (kitchen work); Attendant in Linen Room (1), (care of linen room).

Labor Class.—Cleaners.

Department of Public Affairs.

(Board of Health—Sanitation.)

Competitive.—Superintendent of Health Bureau, Health Officer and Secretary, Superintendent Bureau of Contagious Diseases, Superintendent Bureau of Complaints, Clerk and Registrar, General Clerks, General Assistant, Deputy Health Officer, Chief Plumbing Inspector, Plumbing Inspectors, Chemist, Permit Clerk, Sanitary Inspectors, Scow Captains, Medical Inspec-

*Special action of Commission (see Appendix II).

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tors, Chief of Division of Child Hygiene, Public Health Nurses, Milk Inspector, Stenographer, Assistant to Physician at Milk Station.

Non-Competitive.—Utilityman (1), (handyman).

Department of Revenue and Finance.

(Law Department.)

Unclassified.—Corporation Counsel, Corporation Attorney, Assistant Corporation Attorney, Assistant to Corporation Counsel.

Exempt.—Assistant to Law Department, (Legal Assistant, Sec. XIII (2)).

Competitive.—Stenographer and Typewriter, Stenographer, Clerk to Corporation Counsel.

Free Public Library.

Competitive.—Librarian, Engineer, Assistant Librarian, Watchman, Reading Room Attendant and Registry Clerk, Chief Cataloguer and Branch Librarian, Cataloguers and General Assistants, Children's Room Attendant, Janitrix, Desk Attendants and General Assistants, Secretary, General Assistants, Elevator Operator, Office Clerk, Reference Room Attendant, Branch Librarian, Superintendent of Stations, Driver.

Non-Competitive.—Night Attendant at Hudson City Branch (1), (Night Attendant in Reading-room); Janitor at Bergen Branch (1), (cleaning).

Labor Class.—Charwomen, Cleaner, Window Cleaner.

Department of Parks and Public Property.

(City Planning.)

Competitive.—Expert Engineer-Assistant Secretary, Expert Stenographer-Typewriter, Inspector of Buildings, Chief Clerk.

Department of Public Safety.

(Police Department.)

Unclassified.—Police Court Judges.

Exempt.—Deputy to Commissioner.*

Competitive.—Auto Machinist, Stenographer, Inspectors, Surgeon, Round Sergeants, Department Clerks, Court Clerks, Photographer, Captains, Chief of Police, Stable Foreman, Superintendent of Signal System, Lieutenants, Doormen, Telephone Operators, Matron, City Physicians, Court Attendants, Patrolmen, Stenographer, Janitress, Chauffeur, Patrol Drivers, Linemen and Stable Attendants rank as Patrolmen, Clerk to Department.

Non-Competitive.—Janitress (10), (cleaning station).

(Shade Tree.)

Competitive.—City Forester and Secretary, Clerk, Foreman, Gardeners, Carpenter, Matrons, Park Superintendent, Landscape Architect, Inspectors, Playground Attendant, Assistant Foreman, Mason and Bricklayer, Arboriculturist, Utilityman at \$2.50 per day or upwards.

* Special action of Commission (see Appendix II).

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Non-Competitive.—Carpenter's Helpers (2), (assists carpenter); (Mason's Helper (1), (assists mason); Utilitymen (3), handymen, Nurseryman (1), (works in park).

Labor Class.—Laborers, Park Keepers, Drivers, Concrete Machine Runner.

Department of Streets and Public Improvements.

(Department of Streets and Water.)

Executive Office.

Competitive.—Assistant to Clerk, Clerks, Bookkeepers, Assistant Clerk and Draughtsman, Chauffeur, Stenographer, Head Bookkeeper, Messenger, General Clerk.

(Street Cleaning.)

Competitive.—Superintendent of Street Cleaning, Assistant Superintendents, Supervisor of Horses and Veterinarian, Foreman, Tool Clerk, Inspectors of Loads, Chief Clerk, Assistant Chief Clerk, Timekeeper, Record Clerk, Stable Foreman, Assistant Garbage Inspectors.

Non-Competitive.—Repairmen (8), (repairing); Harness Cleaner, (cleaning harness), Utilityman (1), (handyman).

Labor Class.—Washers and Cleaners, Laborers, Drivers, Stablemen.

(Water Assessor.)

Competitive.—Superintendent of Supply and Distribution of Water, Water Assessor, Chief Bill Clerk, Clerks, Special Inspectors, Chief Meter Reader, Inspectors and Readers of Meters, Meter Readers, Turnoffs and Collectors, Plumber Foreman, Foreman Carpenter, Chief Special Inspector, General Repairmen, Bill Clerks, Searchers, Draughtsman to Water Assessors, Water Purveyor, Storekeeper, Draughtsman, Meter Testers, Superintendent Meter Testing Department, Plumbers, Machinists, Inspectors of Meters, Chief Inspector of Meters.

Labor Class.—Drivers, Stablemen, General Helper, Laborers.

(Laying and Repairing Water Pipe, Bergen District.)

Competitive.—Caulkers, Hydrant Inspector.

Labor Class.—Laborers, Drivers.

(Inspectors.)

Competitive.—Inspectors on Improvements, Inspector of Steel Work, General Inspector.

(Laying and Repairing Water Pipe, Jersey City District.)

Competitive.—Caulkers, Carpenter, Paver, Rammer, Hydrant Inspectors, Stable Foreman.

Non-Competitive.—Night Watchmen (3), (watching reservoir).

Labor Class.—Laborers, Drivers, Stablemen.

(Laying and Repairing Water Pipe.)

Competitive.—Superintendent of Repairing and Laying Water Pipe, Hydrant Inspector, Foremen, Assistant Superintendents, Teamster, Foreman Inspector, Blacksmith, Blacksmith's Helper, Storekeeper, Assistant Storekeeper.

Labor Class.—Stablemen.

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(Water Registrar.)

Competitive.—Water Registrar, Deputy Registrar.

Non-Competitive.—Utilitymen (2), (handymen).

(Department of Engineering.)

Competitive.—Chief Engineer and Superintendent Maintenance, Mechanical Engineer and Engineer of Construction, 2d Assistant Chief Engineer, Assistants to Engineer, General Assistant Engineering Bureau, Draughtsmen, Architectural Draughtsman, Rodmen, 1st Assistant to Chief Engineer, Pipe Line Constructing Engineer, Clerk to Engineer, Office Assistant, Stenographer, Chauffeur, Assistant Engineer.

(Miscellaneous.)

Competitive.—Inspector of Lamps, Inspector of Removal of Garbage and Ashes, Superintendent of Basins and Sewer Cleaning, Inspector of Sewers, Sidewalk Inspector, Assistant Inspector of Lamps, Foreman of Macadam Repairs, Inspector of Asphalt Repairs, Bricklayer.

(New Water Works.)

Competitive.—Supervisor, Inspectors of New Water Works, Engineer (High Service Gate House), Assistant Gate Keeper, Chief Sanitary Inspector, General Mechanic, Assistant Gate Keeper (High Service Gate House), Sanitary Adviser and Bacteriologist, Inspector of Pipe Line, Watchman—Boonton, Engineer—Boonton, Chemist, Chief Sanitary Inspector—Boonton, Utilityman.

(Paving and Repair of Streets.)

Competitive.—Superintendent Street Repair and Sewer Reconstruction, Mason, Rammers, Foreman, Pavers, Utilityman.

Labor Class.—Laborers, Drivers.

(Permit Clerk.)

Competitive.—Permit Clerk, Assistant Permit Clerk, Assistant Tappers, Tappers.

(High Service Pumping Station, etc.)

Competitive.—Engineers, Carpenter, Assistant Engineers, Reservoir Keeper, Painter, Chief Sanitary Inspector.

Non-Competitive.—Repairmen (2), (repairing).

Labor Class.—General Workmen.

(Laying and Repairing Water Pipe, Hudson City District.)

Competitive.—Caulkers, Paver, Hydrant Inspector, Rammer.

Labor Class.—Rockman, General Workman, Drivers, Laborers.

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(Repairing Over Street Openings.)

Competitive.—Paver, Ratmmer.

Non-Competitive.—Utilitymen (2), (handymen).

Labor Class.—Laborers.

(Repairs and Construction of Sewers.)

Competitive.—Foreman over Laborers, Sewerman.

Labor Class.—Drivers, Laborers.

Tax Department.

Competitive.—Clerks, Surveyor, Assistant Surveyor.

Department of Revenue and Finance.

(Collection of Taxes and Assessments.)

Unclassified.—City Collector, Deputy Personal Tax Collector.

Exempt Class.—Secretary to Board (secretary to board, sec. XIII), (3).

Competitive.—Search Clerk, Ledger Clerk, Stenographer, Chief Clerk, Assistant Search Clerk, General Clerks.

HUDSON COUNTY.

Almshouse.

Exempt.—Physicians.**

Competitive.—Superintendent, Assistant Superintendent, Engineers, Druggist, Firemen, Barber, Attendants (\$900 per year), Matron, Deputy Superintendent, Clerk, Laundryman, Watchmen, Night Attendant, Butcher, Cooks, Assistant Matron.

Non-Competitive.—Nurses (3), (nursing sick); Cutters (2), (cutter); Attendants (19), (\$420 per year), (nursing and attending patients).

Asylum.

Unclassified.—Warden, Medical Superintendent.

Exempt.—Visiting Physician,** Resident Physician.**

Competitive.—Engineers, Cooks, Farmer, Chief Attendant, Assistant Matron, Stenographer and Clerk, Laundryman, Barber, Laundresses, Matron, Firemen, Attendants (salary exceeds \$600). *

Non-Competitive.—Attendants (24), (nursing patients); Seamstress (1), (sewing patients' clothes); Waitress (1), (waiting in dining-room).

Hudson County Boulevard.

Competitive.—Superintendent, Chief of Police, Superintendent of Lighting Plant, Stenographer and Bookkeeper, Foreman of Linemen, Supervisor of Lamps, Foremen of Road Repairs, Inspector of Sidewalk Repairs, Dynamo Engineers, Lamp Trimmers, Foremen of Laborers, Firemen, Janitor, Messenger, etc., Steam Roller Engineers, Clerk, Assistant Superintendent, Gen-

** Official who must be physician (Section XIII (5)).

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eral Timekeeper, Lieutenants of Police Force, Patrolmen of Police Force, Inspector of Permits, Inspectors of General Contracts, Engineers, Lamp Repairer, Linemen, Chauffeur, Mechanician, Caretaker of Trees, Linemen's Helpers, Bookkeeper, Flagger.

Labor Class.—Laborers, Teamsters, Line Wagon Drivers, Basin Cleaners, Cartmen.

Clay Street Bridge.

Competitive.—Superintendent, Attendants, Engineer.

Bridge Street Bridge.

Competitive.—Superintendent, Bridgeman, Attendants.

Fourth Street Bridge.

Competitive.—Superintendent, Attendants, Engineer, Bridgeman.

Newark Avenue Bridge.

Competitive.—Attendants, Chief Engineer, Engineers.

County Collector.

Unclassified.—County Collector.

Competitive.—Clerks.

County Clerk.

Unclassified.—County Clerk.

Exempt.—Deputy County Clerk, (Deputy of Principal Executive Officer, Sec. XIII (1)).

Competitive.—Chief Clerk, Docket Judgment—Common Pleas Docket and General Clerk, Bookkeeper, Disbursement and General Clerk, Quarter Sessions Clerk—Part I and General Clerk, Quarter Sessions Clerk—Part II and General Clerk, Supreme Court Circuit and General Clerk, Mechanics' Lien and General Clerk, Vault Clerks and General Clerks, Corporation Index and General Clerk, Index and General Clerk, Miscellaneous, Elections and General Clerks, Comparing and General Clerk, Recognizance and General Clerk, Naturalization and General Clerk, Recording and General Clerk, Assistant Enrollment Proceedings Cost and General Clerk, Assistant Bookkeeper and General Clerk, Messenger and General Clerk, Recording Clerks, Vault Clerk—Current Records and General Clerk, Assistant Vault Clerk—Current Records and General Clerk, Building Contracts and General Clerk, Township Taxes Ass't Costs and General Clerk, Circuit Court and General Clerk, Enrollment Proceedings Cost and General Clerk, Ancient Records and General Clerk.

Court of Common Pleas.

Competitive.—Stenographer.

New Court House and Power House.

Competitive.—Superintendent, Utilityman (\$1,000 a year), Elevatormen, Vacuum Cleaners, Clerk to Superintendent, Janitor, Hall Men, Ground Keepers, Supervising Ground Keeper, Window Cleaners, Electricians, Electrician's Assistants, Telephone Operators, Engineers, Firemen, Matron, Stewardess, Stewardess' Assistant, Chief Engineer, Dynamo Man, Machinists' Helper, Lawn Man, Chief Electrician.

Non-Competitive.—Cuspidor Cleaners (3), (cleaning cuspidors).

Labor Class.—Women Cleaners.

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Board of Elections.

Exempt.—Chief Clerk, (Secretary to Board, Sec. XIII (3).

Competitive.—First Assistant Clerk, Clerks, Assistant Clerk and Messenger.

General.

Unclassified.—County Physician, County Counsel, County Supervisor, County Engineer, County Superintendent of Weights and Measures, Supervisor of State Roads, Clerk to Board of Freeholders.

Exempt.—Assistant County Counsel, (Legal Assistant, Sec. XIII (2); Chaplains—County Jail,* County Attorney, (Legal Assistant, Sec. XIII (2); Chaplains—County Farm,* Private Secretary to Supervisor, (Secretary to Principal Executive Officer, Sec. XIII (4); Secretary to the County Engineer, (Secretary to Executive Officer, Sec. XIII (4).

Competitive.—Assistant Superintendent of Weights and Measures, Assistant Clerks—Board of Freeholders, Assistant County Physicians, Custodian of Court House, Fireman of Court House, Porter of Court House, Engineer of Court House, Instrument Man in County Engineer's Office, Night Watchman (Court House), Assistant Book-binders (Court House), County Superintendent, Index Clerk, County Investigator, Inspectors of Improvements, Carpenter (Court House), Book-binders (Court House), Draughtsman in County Engineer's Office, Chauffeur to County Supervisor, Chauffeur in Engineering Department, Lamp Inspector (County Engineer's Department), Baker at County Farm.

Non-Competitive.—Investigator Sailors' and Soldiers' Burials, (investigating circumstances of death); Organist (County Jail), County Jail Organist), Harnessmaker (1), (making harness).

Board of Health and Vital Statistics.

Exempt.—Counsel.*

Competitive.—Clerks, Medical Health Inspector, Health Inspectors, Mosquito Exterminator, Matron, Warden, Bacteriologist, Assistant Bacteriologist (helper in laboratory).

Non-Competitive.—Cleaners (3), (general cleaning).

Hospital for the Indigent Poor.

Unclassified.—Warden.

Tuberculosis Hospital and Sanatorium.

Unclassified.—Warden.

Exempt.—Supervisor of Clinics,** Clinic Physicians,** Medical Director,** Attending Physician,** Resident Physician.**

Competitive.—Superintendent of Clinic Nurses, Night Superintendent of Nurses, Engineers, Chef, Laundryman, Chauffeur, Superintendent of Nurses, Stenographer, Firemen, Storekeepers, Attendants (\$900.00 per annum), Watchman.

Non-Competitive.—Nurses (23), (nursing patients); Cook (1), (cooking); Laundryman's Helpers (4), (general helper); Porters (2), (cleaning, moving, etc.); Attendants (13), (nursing patients); Seamstress (1), (sewing); Driver (1), (driving for institution); Orderlies (4), (handymen); Dentist (1), (care of teeth); Cleaner (1) (cleaning).

Labor Class.—Cleaners.

* Special action of Commission (see Appendix II).

** Official who must be physician (Section XIII (5)).

County Jail.

Competitive.—Warden, Deputy Warden, Matron, Commissary, Clerk, Bookkeepers, Keepers, Cook.

Non-Competitive.—Assistant Matron, (assistant to matron); Cook, (cooking for inmates).

Assistant County Superintendent.

Mechanics and Bakers.

Unclassified.—Superintendent of Public Works.

Competitive.—Bakers, Electrician, Helpers, Tinsmith, Plasterer, Chauffeur, Mechanics, Fire Custodian, Machinists, Lamp Trimmer, General Mechanic.

Non-Competitive.—Utility men (2), (handymen).

Mosquito Extermination Commission.

Exempt.—Secretary, (Secretary to Commission, Sec. XIII (3)).

Competitive.—Superintendent, Inspectors.

County Overseer's Department.

Competitive.—County Overseer, Assistant County Overseer, Stableman, Night Watchman at Stable, Gatekeepers, Teamster, Veterinary Surgeon.

Penitentiary.

Unclassified.—Warden.

Exempt.—Visiting Physician,** Secretary to Warden, (Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Deputy, Superintendent of Quarry, Engineers, Watchmen, Underkeepers, Laundryman, Cook, Chief Underkeeper.

Non-Competitive.—Matron (1), (general supervisor); Assistant Matron (1), (assistant to matron); Attendants (2), (attendant in institution); Night Guard (1), (guarding building at night).

Prosecutor of the Pleas.

Competitive.—Stenographer.

Register's Office.

Unclassified.—Register of Deeds.

Exempt.—Deputy Register, (Deputy, Sec. XIII (1)).

Competitive.—Fee Clerk, Cancellation Clerk, Chief Index Clerk, Index Clerks, Clerks, Retranscribing Clerks, Miscellaneous Clerk and Telephone Operator, Machinist, Bookkeeper, Block Index Clerk, Assistant Block Index Clerk, Document Clerk, Utility Man, Map Clerk, Assistant Map Clerk.

Labor Class.—Janitress.

Essex and Hudson Lincoln Highway and Bridges.

Competitive.—Superintendent, Engineers, Traffic Guards, Chief Engineers, Bridgemen. Roadmen. Foremen—Roadmen.

Labor Class.—Drivers, Basin Cleaners.

Newark Turnpike Road.

Competitive.—Foreman.

Labor Class.—Laborers.

** Official who must be physician (Section XIII (5)).

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Passaic River Road and Bellevue Pike.

Competitive.—Foreman, Attendant, Lamp Inspector.

Labor Class.—Laborers.

Paterson Plank Road Bridge.

Competitive.—Superintendent, Electrician, Attendants.

Paterson Plank Road.

Competitive.—Foreman, Chauffeur, Roadmen, Motorcycle Patrolmen.

Labor Class.—Horse and Cart, Laborers.

Sheriff's Office.

Unclassified.—Sheriff.

Exempt.—Under Sheriff, (1st Assistant of Executive Officer, Sec. XIII (1); Secretary, (Secretary of Department, Sec. XIII (3); Deputy Under Sheriff.*

Competitive.—Chief Clerk, Bookkeeper, Executive Clerk, Chancery Clerk, Process Servers, Law Clerk, Subpoena Clerk, Advertising and General Clerk, Stenographer, Messenger, Court Attendants, Jury Clerks.

Sinking Fund Commission.

Exempt.—Secretary.*

Smallpox.

Exempt.—Physician.**

Competitive.—Warden, Matron.

Non-Competitive.—Attendant (15), (nursing and attending patients).

Surrogate's Department.

Unclassified.—Surrogate.

Exempt.—Deputy Surrogate, (Deputy, Sec. XIII (1).

Competitive.—Chief Clerk, Index Clerks, Orphans' Court Clerk, Copy Clerks, General Clerks, Messenger, Probate Clerks, Will Recorders, Retranscribing Clerks, Comparing Clerk, Citation Clerks.

VILLAGE OF SOUTH ORANGE.

Fire.

Unclassified.—Chief of Fire Department.

Competitive.—Members of Paid Fire Department, Chief Engineer.

Board of Health.

Exempt.—Secretary, (Secretary of Board, Sec. XIII (3).

Competitive.—Inspector.

Non-Competitive.—Counsel (1), (lawyer of board); Diagnostician (1), (diagnosis of communicable diseases); Disinfecter, (disinfection collector of samples, etc); General Utility Men (2), (handymen).

Labor Class.—Laborers.

** Official who must be physician (Section XIII (5).

* Special action of Commission (See Appendix II).

Board of Recreation Commissioners.

Unclassified.—Members of Commission.

Competitive.—Caretaker.

Non-Competitive.—Instructor of Playground (1), (instructing on grounds).

Labor Class.—Laborers.

Police.

Competitive.—Marshal, Sergeants, Chanceman, Patrolmen, Police Surgeon.

Sewers.

Competitive.—Superintendent of Sewers.

Labor Class.—Laborers.

Streets and Highways.

Competitive.—Acting Superintendent, Engineer Steam Roller.

Labor Class.—Laborers.

Village Officers.

Unclassified.—Village Counsel, Police Justice, Members of Board of Assessments.

Competitive.—Village Treasurer, Village Clerk, Collector of Taxes, Assessor of Taxes, Building Inspector, Foreman of Sewers and Streets, Overseer of Poor, Clerk in the Tax and Water Department, Inspector Board of Health, Municipal Engineer, Stenographer.

Water.

Competitive.—Superintendent of Water Department, Collector of Water Rates, Plumbers for Extra Work, Pipe Caulker and Laborer, Firemen, Watchman, Assistant Engineer.

Labor Class.—Laborers, Labor Watchman at Pumping Station.

CITY OF PATERSON.

Board of Aldermen.

Unclassified.—Aldermen, Mayor, City Clerk, Tax Assessors, Clerk to Board of Aldermen.

Exempt.—Secretary to Mayor, (Secretary to Principal Executive Officer, Sec. XIII (4); Clerk to Tax Assessors, (Clerk to Board, Sec. XIII (3)).

Competitive.—Registrar of License, Poundkeeper.

Board of Finance.

Unclassified.—Finance Commissioners, City Counsel, City Attorney, Comptroller, also Comptroller of Sinking Fund, City Treasurer, Tax Receiver.

Exempt.—Clerk of Finance Board, (Clerk to Board, Sec. XIII (3); Treasurer of Sinking Fund.* Secretary to Treasurer, (Secretary to Principal Executive Officer, Sec. XIII (4); Private Secretary to Receiver of Taxes, (Private Secretary to Principal Executive Officer, Sec. XIII (4)).

Competitive.—Clerk to Comptroller, Clerks in Tax Office, Clerks to City Auditor, Personal Tax Collector.

* Special action of Commission (see Appendix II).

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Non-Competitive.—Stenographer to City Attorney, \$180.00 per annum, (1), (stenographic services in City Attorney's office); Stenographer to City Counsel, \$180.00 per annum, (1), (stenographic services in City Counsel's office).

Fire Department.

Competitive.—Chief Engineer, Deputy Chief, First Battalion Chief, Second Battalion Chief, Third Battalion Chief, Captains, Lieutenants, Engineers, Superintendent of Fire Alarm, Firemen, Lineman, Operators, Lieutenant and Assistant Master Mechanic.

Fire and Police Commissioners.

Unclassified.—Fire and Police Commissioners, Sealer of Weights and Measures, City Physician, City Veterinarian.

Exempt.—Clerk of Board, (Clerk of Board, Sec. XIII (3)).

Competitive.—Clerk to Building Inspector, Building Inspector, City Pharmacist, Assistant City Physician, Superintendent Outdoor Relief, City Weigher.

Department of Health.

Unclassified.—Health Commissioners.

Exempt.—Secretary Board of Health, (Secretary of Board, Sec. XIII (3)), Visiting Nurse.*

Competitive.—Health Officer, Plumbing Inspector, Sanitary Inspectors, Veterinary Officer and Inspector of Foods and Drugs, Sanitary Inspector and Inspector of Foods and Drugs, Attending Physician to Isolation Hospital, Superintendent of Isolation Hospital, Engineer at Isolation Hospital, Matron at Isolation Hospital, Ambulance Driver, Supervising Nurse.

Non-Competitive.—Cooks, Isolation Hospital (2), (cooking); Laundress, (1), Isolation Hospital (1), (laundry work); Nurses, Isolation Hospital (11), (nursing); Orderly, Isolation Hospital (1), (general helper); Maid (2), (housework); Extra Help (1), (general work).

Public Library.

Competitive.—Librarian, Librarian's Secretary and Office Assistant, Chief—Cataloging Department, Chief—Children's Department, Chief—Delivery Department, Assistant Librarians, Reference Librarian, Branch Librarians, Janitors, Evening Assistants, Extra Cataloguer.

Non-Competitive.—Janitors (4), (cleaning, etc.); Boy (2), (general messenger); Extra Assistant (1), (extra assistant when needed in library); Reading-room Attendant (1), (attendant in reading-room).

Labor Class.—Scrub Woman.

Public Parks.

Exempt.—Secretary, (Secretary of Board, Sec. XIII (3)).

Competitive.—Superintendent, Assistant Superintendent, Foremen, Bath-house Keeper, Caretaker.

Non-Competitive.—Foreman (1), (duties of florist).

Labor Class.—Expert Laborers, Water-boy, Common Laborers, Cleaner at Comfort Station.

Recreation Commission.

Unclassified.—President, Commissioners.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3)).

Competitive.—Superintendent of Recreation.

Non-Competitive.—General Utilitymen (2), (handymen).

* Special action of Commission (see Appendix II).

Police Department.

Unclassified.—Recorder.

Competitive.—Chief of Police, Captain of Police, Captain of Detective Bureau, Lieutenant of Police, Sergeants of Police, Detective Sergeants, Detectives, Chief's Secretary, Patrolmen, Chauffeur, Patrol Drivers, Matron, Janitors, Linemen, Mechanician, Detective and Official Photographer, Electrician and Telegraph Lineman, Clerk of Recorder's Court, Janitors.

In-Door Relief.

Competitive.—Superintendent, Matron, Engineer, Farmer.

Non-Competitive.—Cook (1), (cooking); Baker (1), (baking); Kitchenman (1), (kitchen work); Janitor (1), (cleaning, etc.); Farm Hands (1), (farm work); Truck Farmer (1), (truck farm work); Helper (1), (assists with work).

Labor Class.—Farm Hands, Driver, Barn-Man, Laborers.

Department of Streets.

Unclassified.—Public Works Commissioners, Street Commissioner.

Competitive.—Clerk to Street Commissioners, Janitors, Engineer, Garbage Inspectors, Stenographers, Foreman, Stable Foreman, Street Opening Inspector, Inspectors, City Engineer, Inspector of Sewers, Assistant City Engineer, Transitmen, Rodmen, Surveyor, Pavers, Engineer (Destructor Plant).

Non-Competitive.—Assistant Stableman (2), (working about stable); Caretaker (1), (duties of caretaker); Cleaner at Comfort Station, (care of comfort station).

Labor Class.—Laborers, Drivers, Street Cleaners, Furnace Tenders.

PASSAIC COUNTY.

Insane Asylum.

Exempt.—Physicians.**

Competitive.—Superintendent, Matron, Nurse, Night Watchman.

County Clerk's Office.

Unclassified.—County Clerk.

Exempt.—Deputy Clerk, (Deputy, Sec. XIII (1); Clerk and Stenographer, (Stenographer to Principal Executive Officer, Sec. XIII, (4).

Competitive.—Clerks, Court Clerk.

General.

Unclassified.—County Engineer, County Collector, County Superintendent of Schools, Freeholders, Auditor and Comptroller, Road Inspector and Supervisor of Roads, County Counsel, County Physician, Clerk of Board of Freeholders, County Superintendent of Weights and Measures, Bridge Tenders (joint employees).

Exempt.—Stenographer to County Engineer, (Stenographer of Executive Officer, Sec. XIII (4).

Competitive.—Assistant County Engineers, Custodian of Court House and Work House, Librarian, Janitors of Court House, Engineer of Court House, Elevator-man in Court House, Night Watchman at Court House, Rodman in County Engineer's Office, Bridge Tenders (Passaic County).

** Official who must be physician (Section XIII (5).

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Non-Competitive.—Chauffeur in County Engineer's Office, (drives automobile for six months during summer); Clerk in County Engineer's Office (1), (about two and one-half months' duration).

Mosquito Extermination Commission.

Exempt.—Secretary, (Secretary to Commission, Sec. XIII (3); Private Secretary to President, (Secretary to Principal Executive Officer, Sec. XIII (4).

Competitive.—Clerk, Chief Inspector, Deputy Inspectors, Foreman.

Register of Deeds and Mortgages.

Unclassified.—Register of Deeds and Mortgages.

Exempt.—Deputy Register, &c., (Deputy, Sec. XIII (1).

Competitive.—Index Clerks, Assistant Desk Clerk, Bookkeeper and Reserve Clerk, Clerks, Assistant Desk Clerk and Reserve Clerk.

Road Repairs.

Competitive.—Inspectors, Foremen, Chauffeur to Road Department, Roller Engineers, Teamster (\$\$32.00 per annum).

Labor Class.—Laborers, Teamster (\$5 per day).

Department of Sheriff.

Unclassified.—Sheriff.

Exempt.—Under Sheriff, (Deputy or First Assistant of Principal Executive Officer, Sec. XIII (1).

Competitive.—Bookkeeper, Engineer in Jail, Jail Keepers, Engineer, Fireman at Jail, Court Attendants, Matron at Jail, Head Jail Keeper, Deputy Sheriff.

Department of Surrogate.

Unclassified.—Surrogate.

Exempt.—Deputy and Chief Clerk, (Deputy, Sec. XIII (1); Stenographer to Surrogate, (Stenographer of Principal Executive Officer, Sec. XIII (4).

Competitive.—Clerks.

CITY OF ELIZABETH.

Department of Building.

Unclassified.—Building Inspector.

Competitive.—Assistant to the Building Inspector.

Department of Public Buildings.

Competitive.—Custodian of City Hall, Assistant Custodian of City Hall, Night Watchman of City Hall.

Non-Competitive.—Helper (1), (assists caretaker of City Hall).

Department of Charities.

Unclassified.—Overseer of the Poor.

Competitive.—Keeper of Almshouse, Matron of Almshouse, City Physician (Upper Wards), City Physician (Lower Wards).

Non-Competitive.—Farm Help (1), (farm work).

Labor Class.—Cleaner in Almshouse.

City Clerk.

Unclassified.—City Clerk, Assessment Commissioners.

Competitive.—Clerks, Stenographer, License Inspector.

Non-Competitive.—Page to City Council (1), (attends the meetings of the City Council and serves as page during the meetings); Dog Warden (1), (catching unlicensed dogs).

Docks, Wharves and Piers.

Competitive.—Dockmaster.

Non-Competitive.—Caretaker (1), (care of pier and acts in the general capacity of watchman).

Department of Engineering.

Unclassified.—City Engineer and Surveyor.

Competitive.—Assistant City Surveyor, Draftsman, Attendants at Pumping Station.

Non-Competitive.—Rodman (1), (helper in office and field on engineering work).

Finance.

Unclassified.—Comptroller.

Competitive.—Clerks, Deputy Tax Collector.

Non-Competitive.—Messenger (1), (messenger work for the Mayor, City Comptroller, City Treasurer and City Clerk); Inspectors of Dance Halls (2), (inspecting dance halls).

Fire Department.

Unclassified.—Commissioners.

Exempt.—Secretary, (Secretary of Commission, Sec. XIII (3)).

Competitive.—Chief, Deputy Chief, Department Machinist, Extra Driver, Utility Men, Captains, Relief Engineer, Extra Men, Chief's Driver, Superintendent of Fire Alarm, Assistant Superintendent of Fire Alarm, Engineers, Drivers, Hosemen, Tillermen, Laddermen.

Non-Competitive.—Callmen (23), (emergency firemen).

Department of Health.

Competitive.—Health Officer, Assistant Health Officer, Plumbing Inspector, Inspectors, Bacteriologist, Superintendent, Isolation Hospital; Warden, Isolation Hospital; Milk Inspector, Dairy Inspector, Stenographer, Nurses at Parochial School.

Non-Competitive.—Physicians, Isolation Hospital (4), (attending physicians at Isolation Hospital); Physicians, Parochial School (2), (attending physicians at Parochial Schools); Extra Nurse, Isolation Hospital (1), (nurses when emergency requires); Warden, Smallpox Hospital (1), (in charge of Smallpox Hospital); Consultant Ophthalmologist, Otologist and Larynologist (1), (physician).

Law Department.

Unclassified.—City Attorney.

Exempt.—Assistant City Attorney (Legal Assistant of Law Department, Sec. XIII (2)); Stenographer to City Attorney, (Stenographer to Principal Executive Officer, Sec. XIII (4)).

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Public Library.

Competitive.—Librarian, Assistant Librarian, Staff Assistants, Janitor, Porters.

Non-Competitive.—Junior Assistants (6), (assisting in Library work).

Labor Class.—Laborer.

Parks and Shade Trees.

Labor Class.—Laborers.

Board of Recreation Commission.

Competitive.—Superintendent of Recreation.

Non-Competitive.—Principals (9), (play instructors); Substitutes (6), (substituting for various officers); Assistants (25), (assisting); Teachers (15), (instructing); Assistant Janitor (1), (assists in care of building); Pianist (1), (piano playing for drills, physical exercises, folk and social dancing); Matron (1), (supervision in basement); Janitors (3) (care of heating and building).

Social Centre.

Non-Competitive.—Girls' Club Leader (1), (leading and supervising); pianists (2), (playing for drills, dancing, etc.); Matron (1), (supervising); Custodians (2), (care of building); Assistant Custodian (1), (assisting in care of building); Attendants (2), (assists in building); Doorman (1), (door attendant).

Police Department.

Unclassified.—Commissioners.

Exempt.—Secretary to Police Commissioners, (Secretary of Commission, Sec. XIII (3)).

Competitive.—Chief of Police, Captains, Detective Sergeants, Detectives, Sergeants, Patrolmen, Stenographer and Typewriter, Head of Detective Bureau.

Non-Competitive.—Scrubwoman (1), (cleaning Third Precinct station); Janitress (1), (cleaning Second Precinct station); Police Physicians (2), (medical inspection).

Police Court.

Unclassified.—Judge.

Competitive.—Clerk.

Sewers and Drainage.

Competitive.—Foreman or Deputy, Bricklayer.

Labor Class.—Laborers.

Streets and Highways.

Unclassified.—Street Commissioner.

Competitive.—Clerk to Street Commissioner, Foremen or Deputies, Blacksmith, Carpenter, Time Keeper.

Non-Competitive.—Utility man (1), (handy man).

Labor Class.—Team Drivers, Cart Drivers, Laborers, Stablemen.

Department of City Treasurer.

Unclassified.—City Treasurer.

Exempt.—Assistant City Treasurer, (Special Action of Commission, see Appendix II).

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Weights and Measures.

Competitive.—City Sealer.

Board of Public Works.

Unclassified.—Commissioners.

Exempt.—Clerk to Board, (Clerk of Board, Sec. XIII (3)).

Competitive.—Inspectors.

UNION COUNTY.

Court House.

Competitive.—Porter, Assistant Custodian, Engineer, Elevator Man, Workman.

Non-Competitive.—Forewoman (1), (supervision of scrub women).

Labor Class.—Scrub women.

County Clerk.

Exempt.—Deputy County Clerk, (Deputy, Sec. XIII (1)).

Competitive.—Assistant Deputy County Clerk, Second Assistant Deputy County Clerk, Stenographers.

Public Instruction.

Exempt.—Clerk, (Clerk to Superintendent, Sec. XIII (4)).

Mosquito Extermination Commission.

Competitive.—Chief Inspector, Assistant Chief Inspector, Stenographer, Inspectors, Foreman.

Labor Class.—Laborers, Oiler.

Prosecutor's Office.

Competitive.—Stenographer.

Register of Deeds and Mortgages.

Unclassified.—Register.

Exempt.—Deputy Register (Deputy, Sec. XIII (1)).

Competitive.—Stenographer and Bookkeeper, Indexer, Comparer, Abstractor, Map Clerk, Re-copier of Old Records, Recorders, Superintendent of Lusk Index, Lusk Indexers.

Bonnie Burn Sanatorium.

Exempt.—Secretary to Superintendent, (Secretary to Principal Executive Officer, Sec. XIII (4); Assistant Physician,** Superintendent and Medical Director.**

Competitive.—Matrons, Chef, Head Farmer, Chief Engineer, Day Engineer and Firemen, Night Engineer and Fireman, Housekeeper and Dietitian.

Non-Competitive.—Assistant Chefs (2), (helper to chef); Storeroom Clerk (1), (clerical work in storeroom); Waitresses (3), (waiting in dining-room); House Maids (3), (house work); Dishwasher, (washing dishes); Porters (3), (general work); Nurses (6), (nursing patients); Ward Maid (cleaning wards, etc.); Ward Man (1), (cleaning wards, etc.); Attendants

** Official who must be physician (Section XIII (5)).

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(6), (care of patients); Laborers, (general laboring work); Laundresses (2), (laundry work); Laundry Man (1), (laundry work); Laundry and Kitchen (2), (laundry and kitchen work); Night Firemen (3), (tending fires); Assistant Cook (1), (cooking); Kitchen Help (1), (working in kitchen); Orderly (2), (care of wards); Cleaner (1), (cleaning wards); Kitchenman and Dishwasher (1), (kitchen work); Firemen (3), (attending fires); Sterilizer (1), (sterilizes hospital supplies); Diet Kitchen Woman (1), (kitchen diets).

Court of Common Pleas.

Competitive.—Stenographer.

Sheriff.

Exempt.—Under Sheriff (1), (First Assistant of Executive Officer, Sec. XIII (1)).

Competitive.—Chief Clerk, Clerk, Warden, Matron, First Wardens, Watchman, Court Attendants, Court Attendant and Sheriff's Officer; Special Deputy Sheriff and Court Officer.

Surrogate.

Exempt.—Deputy Surrogate (Deputy, Sec. XIII (1)).

Competitive.—First and General Assistant, Second Assistant.

County Department.

Unclassified.—Freeholders, County Engineer, County Attorney, County Supervisor of Roads, Auditor, County Collector, County Clerk, Superintendent of Weights and Measures, County Physician, Clerk and Bookkeeper, Board of Freeholders.

Competitive.—Bridge Tenders, Matron of Court House, Custodian of Court House, Night Engineer of Court House, Stenographer for Board of Freeholders.

Non-Competitive.—Supervisor of Soldiers' and Sailors' Headstones and Law Librarian (1), (attends to the erection of all headstones for county Soldiers and Sailors and also is Law Librarian); Bridge Tender at Summer Street Bridge (\$325 per annum) (1), (tends bridge).

Labor Class.—Road Laborers.

BERGEN COUNTY.

Department of Agriculture.

Unclassified.—Superintendent of Farm Demonstration.

Competitive.—Stenographer.

County Clerk.

Unclassified.—County Clerk.

Exempt.—Deputy.

Competitive.—Court Clerk, Bookkeeper, Stenographer, Registry Clerk, Searcher, Index Clerk, Abstract Clerk, Map Clerk, Comparing Clerk, Recorder, General Clerk.

Department of County Engineer.

Unclassified.—County Engineer.

Competitive.—Stenographer, Engineering Assistant, Inspector.

Board of Chosen Freeholders.

Unclassified.—Sheriff, Clerk, County Physician, County Auditor, County Counsel, County Superintendent of Weights and Measures, Freeholders.

Exempt.—Jail Physician.*

Competitive.—Clerk, Stenographer, Custodian, Janitor, Night Watchman, Stationary Engineer, Elevatorman, Chauffeur, Bridge Tenders.

Labor Class.—Scrubwoman.

Bergen County Home.

Competitive.—Steward, Matron, Farmer, Assistant to Steward.

Non-Competitive.—Cook (1), (cooking for inmates).

Isolation Hospital.

Exempt.—Superintendent.*

Competitive.—Engineer.

Non-Competitive.—Nurses (2), (nursing); Waitress (1), (waiting on table); Laundryman (1), (laundry work); Cook (1), (cooking).

Mosquito Extermination Commission.

Competitive.—Chief Inspector, Inspector, Stenographer, Foremen.

Labor Class.—Laborers.

Prosecutor's Office.

Competitive.—Stenographer.

County Roads.

Unclassified.—Supervisor of Roads.

Competitive.—Inspector of Roads, Foreman, Clerk, Steam Roller Engineer, Foreman and Chauffeur.

Sheriff's Office.

Unclassified.—Sheriff.

Exempt.—Under Sheriff (1), (first assistant of Executive, Sec. XIII (1)).

Competitive.—Sheriff's Deputies, Chief Court Attendant, Court Attendants, Keepers of Jail, Jail Warden and Confidential Secretary, Bookkeeper, Stenographer.

Surrogate's Department.

Unclassified.—Surrogate.

Exempt.—Deputy Surrogate (Deputy, Sec. XIII (1)).

Competitive.—Stenographer and Typist, Recording Clerks, Comparing Clerks.

* Official who must be physician (Sec. XIII (5)).

APPENDIX II.

Reasons For Additions to Exempt Class by Special Action of the Civil Service Commission Under Section 13 (6) of Civil Service Law.

(All State Service Unless Otherwise Noted).

Director, Agricultural Experiment Station.—Same person fills the positions of Director of State Experiment Station, Agricultural College Experiment Station and Dean of the Department of Agriculture of Rutgers College. The position is therefore a triple one and the compensation from three sources, two independent of State control, and a Civil Service examination is therefore impracticable.

Chief of Extension Dept., Agricultural Experiment Station.—The position involved manifold duties at Rutgers College and at the Agricultural Station and was such a position as could not readily be filled through a competitive Civil Service examination.

Poultry Husbandman, Agricultural Experiment Station.—The occupant of this position acts in a dual capacity, being also engaged as a teacher at Rutgers College, and is paid partly from State funds and partly from college funds.

State Entomologist, Agricultural Experiment Station.—The occupant thereof has to act in a dual capacity as State Entomologist and Entomologist at the Experiment Station at New Brunswick, and furthermore that expert qualifications were needed to fill the position, so that a Civil Service examination would be impracticable.

Field and Laboratory Assistant, Agricultural Experiment Station.—Examination impracticable.

Assistant in Entomology, Agricultural Experiment Station.—For the reason that the occupant of the office is also engaged as a teacher in Rutgers College and is likewise paid from both State and college funds, so that a Civil Service examination would be impracticable on account of the dual character of the work.

Dairy Husbandman, Agricultural Experiment Station, State.—The occupant of this position also holds a similar position at the College, so that he is called upon to act in a dual capacity.

Treasurer, State Board of Agriculture.—Member of Board of Managers for a fixed term acting as treasurer.

Live Stock Commissioner, Board of Agriculture.—The occupant of this office having been the executive officer and secretary of the old Live Stock Commission, which Commission has been consolidated under the new Department of Agriculture, and the position being one for which it is impracticable to hold a Civil Service competitive examination.

Clerk, Joint Appropriations Committee.—The position is a temporary one, being subject to a Legislative Committee appointed by the Legislature.

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Special Investigator, Joint Appropriations Committee.—This position is of a temporary character, and is such a position as is impracticable to be filled through a Civil Service examination.

Examiners of Bank and Trust Companies, Department of Banking and Insurance.—Examination not practicable. Position of a very confidential character.

Examiners of Insurance Companies, Department of Banking and Insurance.—Same as Examiners of Bank and Trust Companies.

Expert on Insurance Rates, Banking and Insurance.—Expert qualifications required and as work is of an irregular character a Civil Service competitive examination would be impracticable.

Deputy Superintendent, State Home for Boys.—Inasmuch as the person appointed acts as the Superintendent's Deputy or First Assistant, and would act generally in the place of the Superintendent when he was absent, so that his duties would be similar to a Deputy or First Assistant.

Chaplain, State Home for Boys.—Same as Moral Instructors, State Prison.

Assistant Secretary, Interstate Bridge Commission.—On the ground that this employe does work of temporary and interstate character for the States of New York and New Jersey.

Vice-Chancellors, Court of Chancery.—Examination not practicable. Should have been placed by law in Unclassified Service.

Court Stenographers, County Courts.—A competitive examination would be impracticable, as the court stenographers officiate in several counties and receive their compensation from different counties.

Advisory Masters, Court of Chancery.—Examination not practicable. Duties purely judicial and requiring qualifications not readily determined by examination.

Sergeant-at-Arms, Court of Chancery.—Examination not practicable. Position of a very confidential character and should be filled by personal choice of the Vice-Chancellors.

Chancery Reporter, Court of Chancery.—Special training and qualifications required. Not readily determined by examination.

Field Workers, Charities and Corrections.—Special qualifications required and the peculiar nature of the work and the impracticability of holding a competitive examination.

Agent, Charities and Corrections.—On account of the confidential character of the position, which would make a Civil Service examination impracticable.

General Assistants, Civil Service Commission—Election Department.—Temporary character of work and impracticability of determining qualifications for position.

Sergeants-at-Arms, Court of Errors and Appeals.—Same as Sergeant-at-Arms in Court of Chancery.

Docket and Calendar Clerk, Court of Errors and Appeals.—Same as foregoing Sergeant-at-Arms, and because service performed by same person who acts as Sergeant-at-Arms in Court of Chancery, Court of Errors and Appeals and Supreme Court.

The Secretary, New Jersey Exposition.—On account of the temporary character of the work and of the impracticability of holding a competitive examination.

Resident Architect and Supt. of Construction, N. J. Commission for the Panama-Pacific International Exposition.—The position is a temporary one

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and the occupant thereof should be a resident of the Exposition grounds, and a competitive examination would be impracticable.

Law Reporter, Supreme Court.—Special training and qualifications required. Not readily determined by examination.

Sergeant-at-Arms, Supreme Court (State Capitol).—Same as Sergeant-at-Arms in Courts of Chancery and Errors and Appeals.

Chief Examiner and Secretary, State Civil Service Commission.—Consolidation of two positions, one in the exempt and one in the competitive class.

Clerk, Economy and Efficiency Commission.—Position merely temporary, being subject to a legislative committee appointed by the legislature, and is such a position for which a Civil Service examination would not be practicable.

Treasurer, School for the Deaf.—The position is incidental to the State position of Comptroller.

Record Clerk, Village for Epileptics.—Special training required, for which examination is impracticable.

Field Worker, Village for Epileptics.—Inasmuch as it calls for special training and qualifications, and a Civil Service competitive examination would be impracticable.

Treasurer, Village for Epileptics.—Member of Board of Managers for a fixed term, acting as treasurer.

Assistant Secretary to Governor, Executive Department.—Position confidential in character and properly subject to personal selection of the Governor.

Executive Clerk, Executive Department.—Position of a confidential character and properly subject to selection by the Governor.

Field Worker, Home for the Care and Training of Feeble-Minded Women.—Examination not practicable, the duties being of a very confidential and peculiar nature.

Assistant Superintendent, Colony for Feeble-Minded Males.—Calls for special qualifications and training, so a Civil Service examination would be impracticable.

Research Worker, Home for the Care and Training of Feeble-Minded Women.—The position calls for special training in that line of work and, therefore, a Civil Service competitive examination is impracticable.

Clinical Assistant, Home for Feeble-Minded Women.—The position requires a person with special qualifications, so that a Civil Service examination would be impracticable.

Assistant for Carrying on a Series of Experiments on the Fusibility and Fire-Resisting Qualities of New Jersey Fire Brick, Geological Survey.—The work being of a temporary character and the necessity of having some one furnished through the Agricultural Experiment Station at New Brunswick and the impracticability of holding a competitive examination for the position.

Geologists and Paleontologists, Geological Survey.—Examination not practicable. Largely teachers in universities employed on a per diem basis and secured in co-operation with the United States Geological Survey. Engaged to study special problems.

Assistant State Geologist, Geological Survey.—Requires an expert for the position, which would not be discernible through a competitive examination.

Assistants, Geological Survey.—Work only temporary and would not be practicable to obtain duly qualified candidates through a competitive examination.

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Federal Commissioner, New York and New Jersey Joint Harbor Line Commission, New Jersey Harbor Commission.—The position calls for special and peculiar qualifications which would make a Civil Service examination impracticable.

Expert Engineer, New Jersey Harbor Commission.—The position was exempted on the ground that a Civil Service examination is impracticable and that special expert qualifications are needed to fill same.

Psychologist, State Home for Girls.—This position requires a person of special training in the science of practical psychology, and is such a position for which a Civil Service competitive examination is not practicable.

Chaplain, State Home for Girls.—Examination not practicable.

Record Clerk in Field Work, State Home for Girls.—Special training required, for which examination is impracticable.

Field Workers, Trenton Hospital.—These positions call for services of a special character and the persons filling same have a special training in this line of work.

Research Workers, Morris Plains Hospital.—The position calls for services of a character not readily discernible through a Civil Service competitive examination.

Field Worker, Morris Plains Hospital.—Requires a person of special training for this kind of work, and owing to the impracticability of filling same through a Civil Service examination.

Female Supervisor of Industrial Education, Public Instruction.—Special and peculiar qualifications, as would make a competitive examination impracticable.

Clerk to Major-General of Division Headquarters, Second Regiment Infantry, N. G. N. J.—The position required a man with considerable military training and experience and was impracticable to be filled through a Civil Service competitive examination.

Commissioner of Motor Vehicles.—Examination not practicable. Position filled *ex officio* by Assistant Secretary of State, who is exempt in that position.

Assistants to Secretary and Engineer in Charge New Jersey Ship Canal Commission.—For the reason that the work is of a temporary character and is very largely of the nature of a contract, so a competitive examination would be impracticable.

Moral Instructors, New Jersey State Prison.—Examination not practicable.

Matron, New Jersey State Prison.—The matron is the wife of the principal keeper, who is appointed by the Governor. The principal keeper is in the unclassified service, and an examination for the matron would be impracticable.

Clerks, Department of Preservation of Records.—Examination not practicable. Experts employed occasionally in special abstract and research work. Are employed elsewhere at other times.

Custodian of Records, Secretary of State.—Non-salaried. Position of a temporary character.

Field Parole Agent, New Jersey Reformatory.—Position of such a peculiar and confidential nature as to make a Civil Service examination impracticable.

Treasurer, Montclair State Normal School.—Member of Board of Managers for a fixed term, acting as treasurer.

Treasurer, State Normal School at Trenton.—Member of Board of Managers for a fixed term, acting as treasurer.

Treasurer, Manual Training School for Colored Youth.—Member of Board of Managers for a fixed term, acting as treasurer.

APPENDIX III.

Opinions of Attorney-General.

Meaning of Head of a Department.

TRENTON, N. J., July 14th, 1908.

DEAR SIR—I do not see how I can make more clear to you my interpretation of the meaning of the phrase "Head of a Department" than by my letter of June 24th. * * *

It is quite true, necessarily, that any governmental official is surrounded by restrictions so that his independent action is to a certain extent, checked, but I conceive the head of a department to be such official who, *subject to legal regulations*, within the circle of those regulations in the performance of his duties acts upon his own judgment, and issues orders to his subordinates, if any there are, and that he is distinguished from a subordinate in that, within the circle of his authority, subject to the prescribed regulations, he performs his duties without other orders than from those prescribed by law, while the subordinate in a department necessarily is without any discretionary authority, except such as may be conferred by statute, and executes his duties subject to the supervision and direction of a directly superior authority in his own department. * * *

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

Boards of Education Independent of State and Municipal Government.

TRENTON, N. J., Sept. 23d, 1908.

DEAR SIR—I have your letter of the 18th in which you ask if the Board of Education of the city of Newark is a separate and independent body, or a part of the State government, with reference to the operation to the Civil Service Act.

In my judgment each board of education is an independent local civil government, not a department of any city, nor of the State government. By the School Act each district is specially constituted, and the board of education is made a body corporate, and is given power to sue and be sued, to purchase, lease, receive, hold and sell property, real and personal, and to take and condemn land and other property for school purposes. Its elections are separate and apart from other State or municipal elections, and in distinction from all other elections, women are, on certain questions, permitted to participate therein. Its moneys are held, not by the city treasurer, but by a custodian of the school funds who gives separate bonds therefor.

The case of *Riccio v. Hoboken*, 40 Vr. 640-662, approved in *Howe v. Board of Education*, 43 Vr. 163, clearly indicates this independent character of the school district.

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In my judgment, therefore, the Board of Education of the city of Newark is not a part of the Newark city government and affected by the adoption of the Civil Service Law by the city of Newark or the Freeholders of Essex county. Neither is it a department of the State government, thereby affected by the adoption of the Civil Service Law by the State Legislature, but it is in my judgment such an independent local civil government that the Civil Service Government will not apply to it until adopted by resolutions of the board of education.

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

Schools for Industrial Education and Municipal Institutions.

TRENTON, N. J., Oct. 9th, 1908.

DEAR SIR—Answering your letter of the 8th, with reference to the schools for industrial education and the applicability of the Civil Service Law to them, I beg to say that the fact that the Board of Trustees of such institutions are named by the Governor does not constitute such schools State institutions. The managers, of course, being named by the Governor, are State officials as such, but the schools themselves are municipal institutions and the employees thereof are municipal employees.

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

Classification of State Librarian, Custodian of the State House and Curator of the State Museum.

TRENTON, N. J., Oct. 23d, 1908.

DEAR SIR—I have your letter of the 21st, in which you ask if the State Librarian, the Custodian of the State House and the Curator of the State Museum are to be considered heads of departments within the terms of the Civil Service Law, and, in reply, I beg to say that, upon examination of the acts constituting these offices and prescribing their duties, I am of opinion that the persons holding these offices are, within the terms of the Civil Service Act, heads of departments.

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

Meaning of Words "Superintendents of."

TRENTON, N. J., Nov. 23d, 1908.

DEAR SIR—I have your letter of the 20th, asking for an interpretation of Paragraph nine (9) of Section II of the Civil Service Law, where, after proceeding to describe certain officials as

"All superintendents of, teachers and instructors in the public schools and State institutions, county superintendents and members of all boards of education, etc."

You ask whether the words "superintendents of" refers to the superintendents of State institutions, or simply to superintendents of public schools. In my judgment, the words "superintendents of, teachers and instructors in the public schools and State institutions" refer both to the superintendents of

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public schools and to the superintendents of State institutions. The words "public schools and State institutions" being distinctly joined, are incapable of separation, and the preceding qualifying words "superintendents of, teachers and instructors" refer necessarily, as it seems to me, to public schools and State institutions as well. This results, as it seems to me, in the classification of superintendents of public schools and State institutions in the unclassified service. If there was any other intention in the minds of those who drew the bill it does not seem to me to be apparent from the reading of the act.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

Construction of Temporary Period of Two Months.

TRENTON, N. J., September 16th, 1909.

DEAR SIR—I have your letter of September 15th, asking for my opinion upon the propriety of a temporary appointment for sixty consecutive working days, excluding holidays and Sundays, under a proper construction of section 29 of the Civil Service Law, limiting temporary appointments to two months.

Under ordinary circumstances, there being no other indication of a contrary meaning, the word month, week or year refers to the accepted calendar period, and not to the actual working time which might, or might not, be included therein. In view of the fact that there is no indication in the statute of a contrary meaning, I incline to the view that the phrase "two months" in the section in question refers to two calendar months, and that temporary appointments under the act must be limited thereby.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

Definition of Instructors.

TRENTON, N. J., November 16th, 1909.

DEAR SIR—I have your letter of the 13th instant. I understand from your letter that there are men employed in various institutions of this State for the purpose of cooking, washing, baking, taking care of cows, etc., who, in addition to actually performing those services, teach the inmates to cook, wash, bake, etc. Under the circumstances you desire my opinion as to whether they can be said to be instructors in State institutions within the meaning of that part of section II of the Civil Service Law which places in the unclassified service all superintendents in State institutions. In my judgment, persons engaged in those occupations above named cannot be said to be instructors. In addition to mental instructors, there are, in fact, instructors engaged in the various institutions in teaching men the art of producing certain manufactured articles, such as shirts, collars and the like. This class, in my judgment, would be instructors within the meaning of the act.

I am, sir,

Very truly yours,
EDMUND WILSON,
Attorney-General.

Right of Adopting Proposed Rule.

TRENTON, N. J., December 6th, 1909.

DEAR SIR—I have your letter of the 3d instant, requesting my opinion as to the power of your Commission to adopt the following rule, to be added as Clause 9 of Rule VII, concerning certification and appointment: "For any office in the State service the duties of which pertain exclusively to a single county, or the authority of which is confined to such county, in such a manner as to make residence in and familiarity with the geographical and other conditions of that county essential to a proper performance of duty, the Commission will certify for appointment only eligible candidates having a legal voting residence in the county."

As is well known, the Civil Service Act of 1908 was designed to cover appointments to the State service and to service in municipalities. Eliminating any consideration of the question as to whether residence in a municipality is essential to the appointment to a position in such municipality, section 18 of the act of 1908 provides that "All examinations required to be held by the provisions of this act, both for positions in the competitive and the non-competitive class, or any other class where examinations are required to be held, shall be free to all citizens of the State of New Jersey with the limitations specified in the rules of the commission as to residence, age, sex, health, habits and moral character."

It seems to me that in respect to positions in the State service there can be no exclusion of a citizen by reason of his residence. Of course, as to appointments in municipalities, it is entirely proper that the rules should prescribe that appointments to positions in such municipality should, as far as possible be made from citizens and residents of such municipality, and it is in this connection, it seems to me, that the word "residence" is used in section 18.

The matter is not entirely free from doubt, but the foregoing is the conclusion I have reached after careful consideration.

Very truly yours,

EDMUND WILSON,
Attorney-General.

Non-Resident Not to Remain on Eligible List.

TRENTON, N. J., January 3d, 1910.

DEAR SIR—I have your letter of the 30 ult., requesting my opinion on the following question:

"Does the Civil Service Law permit of the retention on the list of eligibles for municipal positions of the name of one who at the time he took the examination was a resident of a municipality, and who afterward has taken up his residence outside of that municipality?"

Under the provisions of Sec. 18 of the Civil Service Law of 1908 it is provided that all examinations required to be held for positions in the competitive class and non-competitive class, etc., shall be free to all the citizens of the State of New Jersey, with the limitations specified in the rules of the Commission as to residence, age, sex, health, habits and moral character. I have heretofore advised you that the word "residence" as used in this section had no application to positions in the State service.

Sec. 1 of the act provides that after the expiration of forty-five days from the time of the adoption of the act by any municipality in this State, appointments to and promotions in the Civil Service of such municipality shall be made only according to merit and fitness, etc.

If, therefore, the person to whom your communication refers, and who is on the eligible list for appointment to a municipal position, has actually

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moved out of the municipality, I am of the opinion that he is not entitled to be retained on the eligible list. I suggest, however, that your Commission ascertain whether, in point of fact, such person has moved out of the district without intention of returning. If his absence is a mere temporary one, I think he is entitled to remain on the eligible list; but if he has, in fact, moved away for the purpose of taking up his residence in some other municipality, then I think he should be stricken from the list.

I note your second inquiry as to the power of the Commission to formulate rules in matters such as the foregoing. As indicated in my answer to your first inquiry, the question is one which relates solely to the construction of the statute, and not to the rights of your Board to formulate rules. It seems to me clear that a person who is not a resident of a municipality cannot be certified for appointment to a position in such municipality, and the fact that he is on the eligible list, although not a resident of the municipality, does not, in my opinion, alter the situation.

Very truly yours,
EDMUND WILSON,
Attorney-General.

Certification of Names Necessary Before Filling a Vacancy.

TRENTON, N. J., February 2d, 1910.

DEAR SIR—I am in receipt of your letter of Jan. 28th, in which you ask to be advised whether that portion of Sec. 21 of the Civil Service Law relating to the procedure to be followed by the head of a department in the case of a vacancy is directory or mandatory. In my opinion it is directory rather than mandatory, depending upon the desire of the official to have the office filled. If he does not desire to fill the office, he need not report the vacancy to the Civil Service Commission until the necessity for filling the vacancy arises. It seems to me that under the circumstances stated, since an appointment was made by an appointing power without a request for the certification of eligibles, even though the appointment happened to be a person on the eligible list, the appointment was not made according to the process laid down by the statute.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

Amendment to Have Local Eligible Lists.

TRENTON, N. J., March 3d, 1910.

DEAR SIR—Replying to your letter of Feb. 16th, asking whether an amendment to Sec. 14 of the Civil Service Law, to provide that in cases where a special acquaintance with the county or section of the State might be desirable, the Civil Service Commission might establish separate lists for the service of those municipalities or sections, certification to be made from such lists according to the county or section of the State in which a vacancy might occur, would be constitutional, I beg to say that the amendatory matter suggested does not seem to me to be in conflict with any constitutional provision.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

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Employees of Prosecutor's Office are State Employees.

TRENTON, N. J., March 2d, 1910.

DEAR SIR—I am in receipt of your letter of the 28th ult., asking if the opinion rendered by this office with reference to the sergeant-at-arms in the district courts as coming under the Civil Service Law, applies to county detectives and other employees in the office of the county prosecutor, to employees of the county boards of taxation and the local tax assessors.

As I understand the principle of the Pierson case, upon which the decision with reference to the sergeants-at-arms was based, it is that those who derive their authority from and are appointed by an operative branch of the State government, are considered as parts of the State government, irrespective of the source of their compensation. Applying this same principle, the county detectives and other employees in the county prosecutor's office would be equally employees of the State with the sergeant-at-arms of the district courts.

The employees of the county boards of taxation would be included within this line of reasoning.

It has been suggested to me since the receipt of your letter that this decision should also cover county probation officers, which seem to me to be in the same category with other appointees of the judicial officers of the State, that is to say, within the operation of the Civil Service Law.

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

Local Tax Assessors not under Civil Service as State Officials.

TRENTON, N. J., April 12th, 1910.

DEAR SIR—Replying to your letter of March 9th, with reference to the jurisdiction of the Civil Service Commission over the local tax assessors in their peculiar work of levying and apportioning the portion of the tax collected for school purposes, I beg to say that I do not believe the local tax assessors in all their functions come within the operation of the Civil Service Law as State officials, and I am inclined to the view, therefore, that your commission should not attempt to include them within your jurisdiction.

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

Publication of All Questions to be Asked in Election Officer Examinations Not Contrary to Civil Service Law.

TRENTON, N. J., May 23d, 1911.

DEAR SIR—I am in receipt of your letter of May 22d, in which you state the plan proposed to be followed by the Civil Service Commission in holding examinations for election officials under the recent amendment to the election law. This plan, I understand, is the preparation of a large number of questions, covering, generally, the essential points of the election law, which shall be published as information to all concerned as to the scope, in general, of the examination to be held, from which list a certain number of questions shall be selected for examination purposes. If the number of questions selected is sufficient to cover, generally, the whole scope of the act, I can see no prohibition in the statute which would make such action on your part improper, but, on the contrary, am inclined to agree with you that as a matter of principle the proposed action would be conducive to good results.

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

**Meaning of Terms "Citizens of the State of New Jersey," as
Used in the Civil Service Law.**

TRENTON, N. J., June 5th, 1911.

DEAR SIR—I have your letter of the 31st ult., requesting my opinion as to the proper interpretation of Section 18 of the Civil Service Act of 1908, known as Chapter 156 of the Laws of that year. Section 18 of the act in question provides that all examinations required to be held under the provisions of said act for positions coming within the competitive and non-competitive classes, or any other class where examinations are required to be held, shall be free to all citizens of the State of New Jersey, with the limitations specified in the rules of the Commission as to residence, age, sex, health, habits and moral character.

For the purposes of this opinion, it will not be necessary to consider the powers and duties of your Commission in respect to the limitations specified in the rules of the Commission as to the residence, age, sex, health, habits and moral character of any person submitting himself or herself to examination for a position coming within the competitive or non-competitive, or any other class under the Civil Service Law, the sole question raised, as I understand, being as to the meaning of the words, "all citizens of the State of New Jersey."

As I understand, your Commission has heretofore ruled that as the Constitution of this State prescribes, in respect to the right of suffrage that a person, in order to entitle him to vote, must not only be a citizen of the United States of the age of twenty-one years, but must also have resided within this State for the period of one year and in the county in which he claims his vote five months before an election, this provision should control in respect to the proper interpretation or construction to be given to the words, "all citizens of the State of New Jersey," in Section 18 of the Civil Service Law.

This conclusion, in my judgment, is erroneous, for the reason that, under the Constitution of this State, only male citizens of the United States who have resided in this State one year and in the county in which such citizens resided five months before an election are entitled to vote for all officers to be elected by the people. To adhere to the rule adopted by your Commission would exclude from the operation of the act female and male persons under the age of twenty-one years, and would, likewise, preclude from taking the examination for positions under the Civil Service Law the wives of citizens of the United States, who have come within the jurisdiction of the State of New Jersey with their husbands, the rule of law being that the domicile of the wife always follows that of the husband. In other words, the domicile of the wife always follows that of the husband, and accordingly, if the words "all citizens of the State of New Jersey," as used in the Civil Service Law, should mean only those citizens who are entitled to the right of suffrage, it would exclude from the operation of the act, as already indicated, not only male citizens of the United States who have come into the State of New Jersey for the purpose of taking up their domicile, but also the wives of citizens of the United States, who have followed the domicile of their husbands into this State; also all females and males under the age of twenty-one years.

The conclusion which I have reached is that the term "citizen of the State of New Jersey," as used in the act now under consideration, means a citizen of the United States, and not an alien who may have an actual abode within the State of New Jersey. It also means that such citizen must have an actual residence within the State of New Jersey. This implies a permanent domicile within the State, and one which has not been adopted with the intention of again taking up or claiming a previous residence acquired elsewhere within the District of Columbia, one of the territories, or one of the States of the United States.

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The term "citizen," therefore, as used in the Civil Service Law, does not mean a male citizen who is entitled to exercise the right of suffrage under Act II, of the Constitution of this State.

Very truly yours,

EDMUND WILSON,
Attorney-General.

Interpretation of Exemption of "Secretary of Board or Commission Authorized by Law to Appoint a Secretary."

TRENTON, N. J., Nov. 21st, 1911.

MY DEAR MR. COLBY—I have your letter of the 16th inst. Subdivision 3 of section 13, in my opinion, is explicit in its language. It is only where the law governing a department, board or commission authorizes the appointment of a secretary or clerk that the law is applicable, and a department, board or commission may select, if authorized by law, one person to act as secretary or clerk without competitive examination. All the power and duty of the heads of departments, boards and commissions, in respect to appointments is derived from the Legislature, and by the Civil Service Law four classes of employes are created, to wit: those in the competitive, non-competitive, exempt and labor class. As indicated, among those who may be in the exempt class, is one secretary or clerk, selected by the head of a department, board or commission authorized by law to appoint a secretary or clerk. All other employes of the State, unless they come within the exempt class, as enumerated in the statute, or expressly placed in the exempt class pursuant to the provisions of the Civil Service Law, come within the other three classes of the classified service of the said law. Where there is no provisions in law relating to a given department, board or commission, authorizing the appointment of a secretary or clerk, I do not see how any appointment can be made, irrespective of the provisions of the Civil Service Law.

Very truly yours,

EDMUND WILSON,
Attorney-General.

The Civil Service Law Must Be Adopted by the Voters of a School District Apart from the Adoption by the Municipality.

TRENTON, N. J., Jan. 18th, 1912.

DEAR SIR—I am replying to your letter of January 16th, querying whether by the adoption of the Civil Service Law in the City of Newark and the City of Jersey City, that act did not become effective in the school districts coincident with each of these municipalities.

In view of the absolute differentiation of the two municipalities, even though the voters in the two municipalities may be practically the same, the action in behalf of the municipality in adopting the Civil Service Law cannot make the Civil Service Law effective in the school district. The mere fact that prior to the passage of Chapter 346, P. L. 1911, there did not seem to be any distinct provision for the adoption of the Civil Service Law in a school district, does not argue by force of necessity that the action of the municipality could be the action of a school district.

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

Status of Aliens Under the Civil Service Law.

TRENTON, N. J., March 15th, 1912.

DEAR SIR—I am in receipt of your letter of March 2d, enclosing an extract from a letter written to you by the Secretary of the East Orange Water Department, with reference to the dismissal of men employed by the State who are aliens, and I note your request for an interpretation of the Civil Service Law in connection with the alien labor law of 1899.

Treating this act of 1899 as a valid statute, it prohibits the employment upon public work of any person who is not, at the time of such employment, a citizen of the United States. With reference to those aliens who were in the employ of the East Orange Water Department at the time the Civil Service Law became effective, in my opinion, the provisions of Sec. 2 were sufficient to guarantee to the aliens then employed continuation in the municipal service under the provisions of the Civil Service Law, despite the provisions of the earlier statute, the Civil Service Law operating to this effect at least as a repealer of the operation of the alien labor statute.

With reference to subsequent appointments, however, it appears that the only provision of the Civil Service Law distinctly referring to citizenship is the provision of Sec. 18, which provides that in any class where examinations are required to be held, the examinations shall be free to all citizens of the State of New Jersey. This is equivalent to saying that such examinations shall be open only to citizens of New Jersey, whether such ruling be taken to affect citizens of other States or aliens. With reference to the other departments of municipal work included within the Civil Service Law, it would seem to me that the alien labor law of 1899 was still in force and effect. The result, therefore, is that those aliens who were in municipal employ, or in State employ, at the time the Civil Service Law was adopted, are protected from removal by its provisions. With reference to subsequent employment of aliens, however, the provisions of the alien labor law and of Sec. 18 of the Civil Service Act would seem to be a complete bar.

Very truly yours,

NELSON B. GASKILL,

*Asst. Attorney-General.***With Reference to Meaning of Term "Principal Executive Officer."**

TRENTON, N. J., May 16th, 1912.

DEAR SIR—I am replying to your letter of May 16th, with reference to the meaning of the phrase in section 13, subsection 3, of the Civil Service Law, "one private secretary or clerk or a stenographer of each judge or each principal executive officer."

I think I have already advised the Commission that the term "principal executive officer" is not capable of fixed definition, but must rest in each case upon a consideration of the duties and powers of such member of any commission who may be, without reference to other position upon such commission, in fact the principal executive officer thereof. For instance, I think it will be quite clear that in the State Board of Health the secretary is the principal executive officer. In other commissions, such as either of the hospitals for the insane, the principal executive officer might be either the medical director or the warden, according as the statutory definition of powers declares. In general the phrase would seem to characterize that member of the commission upon whom rested, under the general direction of the

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commission, the duty of carrying into effect the orders and duties of the commission.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

Interpretation of "Deputy to Act Generally for the Principal."

TRENTON, N. J., Aug. 28th, 1912.

DEAR SIR—In your letter of July 17th, you requested that the Commission be advised whether the power given the Principal Keeper of the N. J. State Prison to designate one of the deputy keepers to act in his stead in case of his absence from the Prison, who shall have all the duties and powers of the Principal Keeper, so far as the same relate to the safe-keeping of the prisoners and the discipline of the prison, while the Principal Keeper is absent, would place this deputy within the provisions of Section 13 of Paragraph 1 of the Civil Service Law, as one authorized to act generally in the absence of his principal.

My idea has always been that the phrase in the Civil Service Law "authorized to act generally in the absence of his superior" does not require that the deputy shall be equipped with the total of the powers of the superior, in case of the latter's absence. If such were the correct meaning of the phrase, the word "generally" would be practically useless in the sentence in which it is found. In the various statutes referring to the powers of the deputies and assistants through the various departments, no fixed or equivalent phraseology is used, and the powers of these assistants and deputies vary, the idea having been in most cases to provide for the dispatch of ordinary business in the absence of a superior by the deputy or assistant, while not necessarily giving him all the powers of the superior.

An interpretation of the phrase which would require the deputy to have practically the same powers as his superior would exclude the provision in question from any general application. I should distinguish between the word "general" and the word "total," in that "general" implies some subtraction from the total, which would result in an interpretation of the phrase in question by which the words "act generally" would indicate the authority to transact the ordinary routine of business in the absence of the superior.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

G/C

Civilian Employees in Military Depts. Under Civil Service.

TRENTON, N. J., Dec. 6th, 1912.

DEAR SIR—I am replying to your letter of Dec. 5th, with reference to the amendment of the Civil Service Law contained in Chapter 195, P. L. 1910, which, with reference to the unclassified service, includes "all officers, non-commissioned officers, enlisted men, and other persons employed in the military or naval service of the State."

I do not think this language includes, and thereby takes out of the Civil Service, the civilian employees in either the Quartermaster General's or the Adjutant General's Department. It must include only those who are distinctly performing military service, and would not, in my judgment, put beyond the jurisdiction of the Civil Service Commission the ordinary clerks and stenographers in either of these departments. It is true that the Quartermaster General's Department is a part of the militia, but in the military code of this State, wherein the makeup of the Quartermaster General's Department is defined, there is no reference whatever to the clerks and stenographers who

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make up the working force in this office as it exists in the State House. Those persons who are in the military service in either of these departments are, in my judgment, determined by the provisions of the Militia laws of this State, and it seems to me that the clerks and stenographers in these two departments are as completely within the jurisdiction of the Civil Service Commission as the employes of any other department in the State House.

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

G/C
P.

A Request for Hearing Must be Made Within a Reasonable Time After Receipt of Notice of Dismissal.

TRENTON, N. J., Jan. 31st, 1913.

DEAR SIR—I am replying to your letter of Jan. 30th, in which the Commission asks to be advised as to its power to re-open the matter of the dismissal of David J. Davin.

It appears from your letter that Mr. Davin was dismissed from his position as clerk in the office of the Register of Hudson County, was served with reasons for dismissal, made no answer to the same, and his dismissal was approved by the Commission on July 16th, 1912; that Mr. Davin subsequently, within the last few weeks, requested a hearing, which, on January 23d, was allowed.

The statute provides that answer shall be made, if answer is to be made, to the service of reasons for dismissal, within a reasonable time. The reasonableness of this interval depends upon the situation of the party affected, with reference to his physical ability, or pressure of business, or other good and sufficient reason, which would go to affect the promptness of his action. If it should appear, for instance, that the individual in question had been ill, or had been absent, or had been necessarily engaged upon matters of essential necessity, these facts might be taken into consideration to allow a longer period for the filing of an answer than would apply to an individual not so affected. The contemplation of the procedure looking toward dismissal and hearing by the Commission must be carried through with diligence, in order that efficiency of service may be promoted. It appears, however, that the dismissal was approved in July of 1912, and in January of 1913 application is made to re-open the matter and allow Mr. Davin a hearing.

The statute is silent upon the power of the Board to comply with this request, and it would seem to me that the Commission might fairly be guided in this matter by the rules established in the courts, with reference to motions for a new trial, and other similar applications for relief. Assuming a reasonable interval to have elapsed, with power in the meantime for the individual affected to have asked for a hearing, or to have filed answer to the assigned causes of dismissal, it seems to me that the Commission should not re-open the matter, unless matter is presented to them in the form of affidavits, establishing the necessity of reconsideration, in order to do justice, which matter should include either reasonable proof that the applicant was unable, for good and sufficient reasons, to present his answers at an earlier date, or that he now presents matter which was not within his knowledge at the time when he should have answered, and did not lie with the possibility of discovery, if due diligence were applied.

Therefore, unless the situation presented to you falls within the suggestions contained in this letter, it seems to me that the Commission is without power to re-open the matter of this dismissal.

Very truly yours,

NELSON B. GASKILL,
Asst. Attorney-General.

**Civil Service Commission Has no Power to Investigate Change
of Party of Any Eligibles for Election Officers
Under Geran Act.**

TRENTON, N. J., March 5th, 1913.

DEAR SIR—I am replying to your letter of Feb. 20th, in which you refer to the examination by the Civil Service Commission of candidates for positions as election officers, and certification of eligibles, and in which you ask an opinion from this department as to whether it is the duty of the Civil Service Commission to investigate the party status of those now holding the position of Republican election officers, and of those recorded upon its lists of eligibles as Republicans. There being no warrant in law for the exercise by the Commission of any control over election officers, after the Commission has discharged its function of examination and certification, and appointments have been made, there is no reason to believe that the Commission can now be interested in the party status of any individuals who, having passed examinations and been properly certified, have been appointed and are now serving as election officers.

Similarly, the law does not authorize the Commission to inquire into the party status of a person who has passed the examination in the statute provided for, and who has, under the provisions of the act, become eligible for appointment for a period of six years thereafter, without further examination. This six years eligible period is established by the statute absolutely, but by the following section it is made possible for any voter, who may believe that an appointment as election officer has not been made in accordance with the provisions of the act, or that any appointee is not qualified or is ineligible, to present a petition to the judge of the Circuit Court, praying for a cancellation of the appointment, and the making of a new appointment, which may be determined in a summary manner. This action on the part of a single voter in review of an appointment, seems to me to be the only method suggested by the statute whereby an election officer whose party status may have changed, may be reached, or the appointment of an ineligible may be checked. This does not, however, vest any authority or duty in the Civil Service Commission.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

**Acts of Neglect, etc., on Part of Employes Prior to the Adoption
of the Civil Service Should Not be Taken Cognizance
of in Hearings on the Merit of Dismissal
From Office.**

TRENTON, N. J., March 31st, 1913.

DEAR SIR—I am replying to your letter of March 26th, in which you ask whether the Civil Service Commission, in case of dismissal of employes, should take cognizance of any charge of neglect of duty, insubordination or otherwise, happening before the adoption of the Civil Service Law in the municipality in which the discharge is made.

I think not, for the reason that prior to the adoption of the Civil Service Law the appointing power is the judge of the efficiency and the performance of duty, and must be presumed to have enforced all proper regulations and to have punished, by dismissal or otherwise, inefficiency or violation of any regulation, or if not to have punished the same, to have condoned the same

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by inaction. Subsequent to the adoption of the Civil Service Law this power is modified, and the rights of the employe are safeguarded by the supervision of the Civil Service Commission. Those matters which have not been acted upon prior to the adoption of the Civil Service Law, it seems to me are beyond the scope of the Civil Service jurisdiction.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

Appointing Power Has Right to Certification of Fourth Name on List, if an Appointee on Probation Has Been Dismissed as Unsatisfactory.

TRENTON, N. J., April 17th, 1913.

DEAR SIR—I am replying to your letter of April 16th, in which the Commission asks to be advised whether an appointing power having received a certification of three names, having made an appointment and during the probationary period having dismissed the probationer, is entitled to a certification by the Commission of three names which, in the present instance, requires the certification of the fourth name upon the list, or whether the appointing power must make his selection from the names remaining upon the original certification.

In my opinion, the original certification of three names has discharged its purpose and ceased to have vitality when a selection from it has been made by the appointing power, because the person thus appointed becomes a probationer, and if not discharged within the probationary period, becomes the absolute appointee. There is no provision in the statute by which the other names included within the original certification have any other status than as at the head of the eligible list with reference to such position or appointment, in case further call be made upon the Civil Service Commission for certification by the appointing power. Such a call being made, the duty of the Civil Service Commission, under the statute, is to place three names before the appointing power, which must be the first three upon the list, excluding the name which has been taken upon probation and rejected. I can find no warrant in the statute for the contention that the original certification remains until all the names upon it have been exhausted by trial.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

All Appointments Must be for Probationary Period of Three Months Unless in Making Appointment the Appointing Power Makes "Manifest Waiver."

TRENTON, N. J., April 29th, 1913.

DEAR SIR—I am replying to your letter of April 24th, in which you ask to be advised upon the matter of the appointment of a court interpreter by a judge in Union County, and his subsequent dismissal by the successor of this judge, upon the ground that his conduct and capacity were unsatisfactory, this dismissal having been made within a period of three months, following the original appointment. I understand the dismissed interpreter to contend that his appointment was made absolute, and was not for the probationary period.

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Paragraph 17 of the Civil Service Law states, in mandatory form, that "All appointments and promotions to positions in the competitive, non-competitive and labor classes of the classified service shall be for a probationary period of three months. If, at the close of this probationary term, the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, in writing, that he will not receive absolute appointment; otherwise his retention in the service shall be equivalent to his final and absolute appointment."

By a proviso, the operation of paragraph 24, forbidding discharge, except for cause and upon hearing, is not extended to probationers.

The position referred to coming within the description of a position in the competitive, non-competitive or labor classes of the classified service, following the language of the statute, is required to be for a probationary period of three months, during which time the appointing power is free to discharge the appointee upon the ground of unsatisfactory conduct or capacity, without hearing. The only question involved in the present matter submitted is whether the original order of appointment was a waiver of the statutory period of probation, and operated to place the appointee fully under the provisions of section 24.

Since some form of appointment is necessary, as a designation of the person selected from the three certified, the mere fact that an appointment was made would not, it seems to me, operate as a waiver of the rights of the appointing power, unless it so clearly appeared by the recitals of such order that the probationary period was, in fact, regarded as unnecessary by the appointing power. I can find nothing of this character in the order of appointment in this particular case.

The directions of the statute are presumed to be followed and required to be followed. Assuming the appointing power to have the right to make an absolute appointment prior to the termination of the probationary period, such waiver must be manifest, and I fail to find it in the present order.

My conclusion, therefore, is that the appointment was made for the probationary period, in accordance with the statute, and that during the probationary period the incumbent was subject to discharge for unsatisfactory conduct or capacity, under which circumstances no notice was required under the provisions of paragraph 24.

Very truly yours,
NELSON B. GASKILL,
Asst. Attorney-General.

Employees of Circuit Court, Court of Oyer and Terminer, Court of Common Pleas, etc., are State Employees.

TRENTON, N. J., May 15th, 1913.

DEAR SIR—I have your letter of the 17th ult., in which you again call my attention to Chapter 82 of the Laws of 1912. The conclusion which I have reached from reading your communication is that you desire my opinion as to how to fill the positions in those counties where the Civil Service law has not been adopted.

Chapter 82, as you are aware, is a supplement to the Civil Service law, and provides that every officer or employe of the Circuit Court, &c., in each of the counties of this State, holding office or employment *at the time of the introduction of the act*, or who may hereafter, be appointed shall continue to hold their offices or employments, as the case may be, and shall not be removed, except in accordance with the provisions of the Civil Service law. I think the difficulty which confronts you is whether the court officers mentioned in the act are State officers or county officers. Of course if they are State officers, they come within the provisions of the Civil Service law.

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If, however, they are county officers, they only come within the provisions of the Civil Service law if that law has been adopted by the county. My understanding is that the sheriffs of the several counties select constables of the county to act as court attendants. Of course if they are employes of the sheriff, and the Civil Service law has not been adopted in the county, the act would not seem to be applicable to such officers. If, however, they are officers selected by the court, they would seem to be State officers, and within the provisions of the Civil Service law.

It may be that I have not fully comprehended the purport of your letter. If this be the fact, I should be glad to talk the situation over with you.

I may add that in every county of the State there is a grand jury clerk, who is appointed, as I recall, by the Justice of the Supreme Court. The person so appointed would seem to be a State officer. I note your suggestion that Justice Minturn recently appointed a court crier for Passaic county. My recollection is that the court crier is likewise an officer appointed by the court, and if so, such person is a State officer rather than a county officer.

In respect, therefore, to those persons who come within the provisions of the Civil Service law and are officers or employes of the court, it would seem to me to be clear that the Civil Service law was applicable, and that the person or persons so appointed comes within the classified service of the Civil Service law of this State. I am,

Very truly yours,

EDMUND WILSON,

Attorney-General.

Status of Court Attendants.

TRENTON, N. J., Oct. 3d, 1913.

DEAR SIR—I have your letter of the 1st inst., in which you state that the Civil Service Commission has directed you to write me for an interpretation of Chapter 341 of the Laws of 1911, providing for the appointment of court attendants by the sheriff. Your letter states that the case in question has particular application to Hudson county, and that it seems to you that Chapter 82 of the Laws of 1912 would possibly have some bearing in this matter, so far as it may bring the appointment of such attendants under the provisions of the Civil Service Act.

You further suggest that if such attendants are under the jurisdiction of your Commission, the question is then presented as to whether an examination would have to be confined to constables, or could be thrown open to any resident of the county, and that if the examination were confined to constables, would Chapter 82, *supra*, have the effect of continuing such court attendants in office after the expiration of their elective term as constables.

The question which you have presented is very easy of solution. Chapter 341 of the Laws of 1911 is an act relating to the appointment of court attendants in certain counties, and placing such attendants in the competitive class of the Civil Service. While this act may be attacked from a constitutional viewpoint, on the ground that the title of the act gives no notice to what counties it is to apply (see *Sneath v. Mager*, 35 *Vr. p.* 94), permit me to call your attention to the case of *Lang v. Bayonne*, in 74 *N. J. L., p.* 455, where Chief Justice Gummere, speaking for the Court of Errors and Appeals, held in terms, that every act of the Legislature was presumed to be constitutional until declared otherwise by a court of competent jurisdiction. The latter rule appertains, and as we have no knowledge as to whether the act of 1911 has been attacked and set aside as violative of the constitutional provision hereinbefore adverted to, the presumption is that the last-named act is constitutional.

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The first section of the act provides that it shall be the duty of the sheriffs of counties of the first class to appoint from the body of the electors of the county so many persons as may be necessary to attend upon the several courts of the county, and to perform the duties now performed by the constables of the counties summoned to attend the courts.

The second section provides that all persons holding said positions at the present time (meaning at the date of the approval of the act, to wit, May 2d, 1911, because the act went into effect on that date) should continue in office irrespective of the expiration of their terms as constables, and shall be placed by your Commission in the competitive class without examination, in such of the counties as have adopted the Civil Service law.

The act of 1912, known as Chapter 82 of the Laws of that year, is a supplement to the Civil Service Act of 1908, and provides that every officer or employe of the Circuit Court, Court of Oyer and Terminer, Court of Common Pleas, or Court of General Sessions, holding office or employment at the time of the introduction of the act, or who might thereafter be appointed, should continue to hold their offices or employments, and should not be removed therefrom except in accordance with the Civil Service law.

I have heretofore advised you respecting the proper interpretation of the last-named act. The first-named act, to wit, the act of 1911, applies only to first-class counties, whereas the act of 1912 applies to all counties, and for your purpose I may add that the persons who were in office in first class counties at the time of the approval of the act of 1911 may not be removed except in accordance with the Civil Service law, because they were required to be placed in the competitive class, and further that the sheriff of any such county could appoint from the electors of his county as many persons as were necessary to attend upon the several courts in his county, irrespective of whether they were constables or not. The act of 1912, as I have heretofore stated, has been reviewed by me in a former opinion rendered to you, and it applies to every officer or employe of the courts named in the act, whether such officers or employes were employed in the courts of counties of the first, second, third or fourth class. These latter employes, as I held in my former opinion, and to which I still adhere, cannot be removed from their offices except in accordance with the provisions of the Civil Service Act, irrespective of whether such persons were constables or not. It may well be that under the act of 1911 sheriffs of first class counties, to wit, the counties of Hudson and Essex, may have appointed persons to attend upon the courts of their respective counties who are not constables, but who, nevertheless, under the act of 1912, are protected by the Civil Service law of 1908. I am,

Very truly yours,

EDMUND WILSON,
Attorney-General.

The Decision of the Court That Seniority in Services Prior to the Adoption of the Law Does Not Confer Preference Upon Employees, Does Not Affect Seasonal Employees Even Though Not Working When the Law Was Adopted.

TRENTON. N. J., July 3d, 1914.

DEAR SIR—I have your letter of June 22d, enclosing me copy of opinion of the Supreme Court, rendered by Mr. Justice Bergen, in the case of *Belfield v. McMahon*.

As I understand it, the only question which you desire my opinion upon is whether the opinion in the case just cited would affect seasonal employes, who, at the time of the adoption of the Civil Service Act in any of the municipalities of this State, were not in actual service of such municipality,

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although carried on the roster of the Civil Service Commission as seasonal employes.

In my judgment, the question must be answered in the negative. I have read with interest the opinion in the McMahon case. Mr. Belfield, the prosecutor, obtained a rule to show cause why a writ of mandamus should not be allowed to compel Mr. McMahon, then Register of Hudson county, to reinstate him, upon the ground that he was discharged by the Register when there were other clerks retained, who came into service after he did. The precise question presented to the court was whether in discharging clerks for the purpose of economy, seniority of service entitled the clerk to preference in the determination of the question who, among a number employed when the Civil Service Law went into effect, should be first discharged. The conclusion of the court was that there was nothing in the Civil Service Act which authorized the Civil Service Commission to extend the qualification to a term of service prior to the enactment of the law, or to take in account the seniority of an employe before the law was adopted, which is the advice which this department has previously rendered your Commission. The opinion further holds that neither experience or qualification is an element entering into the retention of those in service, and the placing of them in the classified list. As to those who were in the employ of the municipality when the act was adopted, the court finds that they were automatically placed in some one of the classes of the classified service of the Civil Service Law, and that all stood upon equal ground, and that service prior to the adoption of the act relating to the Civil Service, could not be considered in determining the question of seniority of employment. The result was that the rule was discharged.

I do not understand that the court was called upon to deal with, nor, in fact, did decide, the question as to employes employed in a municipality at the time of the adoption of the act, but merely decided that all those who were in the classified service of the Civil Service Law, whether they were in office or employment at the time of the adoption of the act, or became employes after the adoption of the act, were upon the same footing, and that there was nothing in the Civil Service Law which required the appointing power, when it was deemed advisable to reduce the number of employes, to consider seniority of service before the adoption of the Civil Service Act as a factor.

Very truly yours,

JOHN W. WESCOTT,
Attorney-General.

The Amendment of Section 11 of the Law in 1914, Did Not Remove Election Officers From the Jurisdiction of the Civil Service Commission.

TRENTON, N. J., July 7th, 1914.

DEAR SIR—I have your letter of the 2d inst., in which you refer to an informal conversation had with Mr. Backes, of this department, with reference to a contention that has been raised that Chapter 51, Laws of 1914, which amended Section 11 of the Civil Service Act of 1908, defining the unclassified service of the Civil Service Law, had not only added to the unclassified service the Assistant Prosecutors of the Pleas, but had removed from the jurisdiction of the Civil Service Commission the examination of election officers and the other duties and powers relating to eligibility, certification and appointment, as provided for in the Geran Act, Chapter 183, Laws of 1911.

You state that the opinion of Mr. Backes was to the effect that the act referred to accomplished no such result, but that there seems to be a very strong desire on the part of some departments that a formal written opinion

be secured from me, which should state definitely the effect of the legislation of last winter upon the provisions of the Geran Law.

The Civil Service Act was passed in 1908 (P. L. 1908, page 253, &c.). Section 11 of this act places among the unclassified service, among others, "all election officers."

In 1911, the Geran act was passed, being a supplement to an act to regulate elections (Revision of 1898), "sections 5, *et seq.* of which provide in general, for the examination into the question of the qualification of members of the board of registry and election in the election districts of the several counties in this State.

In 1914, Chapter 51 was enacted, being an act to amend the Civil Service Act of 1908. Among the officers enumerated as included in the unclassified service are "all election officers." It is true that the act of 1914, *supra*, contains a general repealer although it is not usual to include a repealer in an act which is amendatory of another act, because a statute that is amended is thereafter as to all acts subsequently done, to be construed as if the amendment had always been there. See *Farrell v. The State*, 25 Vr. 421; *Barnaby v. Bradley*, 31 Vr. 160; *Turner v. Davenport*, 16 Dick. 20. Notwithstanding this general repealer, I am of the opinion that, in view of the fact that the act of 1914, which is amendatory of Sec. 11 of the act of 1908, contains the same language in respect to election officers, as was contained in the original Civil Service Act of 1908, that the act of 1914 is but a mere continuation or re-enactment of the original law, and therefore was not contemplated or intended to repeal the same.

In *Knight v. Freeholders of Ocean*, 20 Vr. 405, Chief Justice Beasley said:

"The incorporation of the existing laws into the body of the revised laws in an unmodified form does not give to such re-enacted laws the force of original laws passed at the date of the revised laws. Such laws were re-enacted with no purpose of giving them any new efficacy, but simply to the end of bestowing upon their rearrangement a legislative sanction. The laws so adjusted are not to be deemed to have acquired any different efficacy from that possessed by them in their original condition."

See, also, *State v. Anderson*, 11 Vr. 224; *Weatherby v. Weatherby*, 34 Vr. 445; *McLaughlin v. Newark*, 28 Vr. 298.

From the foregoing, therefore I concur in the verbal opinion expressed by Mr. Backes, and which I have now reduced to writing, pursuant to your request.

The conclusion therefore is that the provisions of the act of 1911, *supra*, have not been repealed, and are in full force and effect.

Very truly yours,

JOHN W. WESCOTT,
Attorney-General.

P. S.—I have not overlooked the fact that Sec. 11 of the Civil Service Law was amended in 1910, P. L. 1910, page 318, and that among the unclassified service are included "all election officers."

**The Fixed Term of an Officer Being Abolished by an Act to
Provide Tenure of Office, Such Officer, if Otherwise
Under Civil Service, Should Pass From the Un-
classified to the Classified Service.**

TRENTON, N. J., July 27th, 1914.

DEAR SIR—Your letter of the 23d inst., addressed to Attorney-General Wescott, has been opened by me during the absence of the Attorney-General on a vacation.

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As I understand, your Commission first classified the position of Inspector of Buildings in Paterson in the competitive class, but subsequently, upon being informed that the office had a statutory fixed term, the position was reclassified in the unclassified service; that your attention has now been called to Chapter 50, Laws of 1914, being a tenure of office act for Building Inspectors in cities of the second class; that the question has arisen as to whether this tenure of office act does repeal the statutory fixed term formerly attached to the position of Building Inspector. You state that if the tenure of office act referred to does repeal the statutory fixed term, it would remove the cause of placing the position in the unclassified service, at least so far as the statutory fixed term is concerned.

You do not refer me to the statute under which the Inspectors of Buildings in Paterson are appointed, but I assume from what you say in your letter, that they had a fixed term of office. Nor do you state whether the Inspector of Buildings is the head of a department, and I assume from your communication that he is not.

Sec. 2 of the Civil Service Act of 1908 refers to officers whose term was not fixed by law, and as Justice Swayze said in the opinion in the case of the *Attorney-General v. Elliott*, with which you are familiar, it was this class which needed the protection of the act in order to secure them against removal for political causes; that the word "removal" naturally applies to one whose term was indefinite, but did not apply to an officer whose statutory term had expired. Where an officer has a fixed term of office, and the term has expired, of course, there is no removal. There is an office, but no officer to fill it, which creates a vacancy. Justice Swayze, in the opinion just referred to, said that he failed to see how any provisions of the Civil Service Act prohibiting removals from office, could operate to extend a term which had already been fixed by an act of the Legislature.

I have examined Chapter 50 of the Laws of 1914, which is entitled "An act relating to the tenure of office of inspector of buildings in cities of the second class," approved March 23d, 1914. This act contains a general repealer of all acts, either general or special, inconsistent with its provisions, and provides that the inspectors of buildings appointed or elected by municipal boards in cities of the second class in this State, shall hold office during good behavior, and shall not be removed, discharged or reduced in pay or position except for inefficiency, incapacity, conduct unbecoming an employe or other just cause, and until the said officials shall have been furnished with a written statement of the reasons for such removal, discharge or reduction, and shall have been given a reasonable time to make written answer thereto. Nor shall such removal, discharge or reduction be made until the charge or charges shall have been examined into and found true in fact by the board of officials appointing the said inspector at a hearing, upon reasonable notice to a person charged, at which time he may be represented by counsel and offer testimony of witnesses or other evidence in his behalf.

The Civil Service Law was passed in 1908. The act under consideration was passed in 1914, and as it contains an inconsistent repealer, the method of removal provided in the latter act governs, rather than the provisions of the Civil Service Law.

However, I am clearly of opinion that if the city of Paterson has adopted the Civil Service Law, and the Inspectors of Buildings in that city are not heads of departments, but are officers or persons holding positions under the government of said city, they come within the classified service of the Civil Service Law of this State, because, by the provisions of Chapter 50, to which I have just referred, their term of office, if they ever had any, has been removed, and they now hold office during good behavior, and can only be removed in the manner prescribed by that act.

The conclusion which I have reached is that the Inspectors of Buildings appointed in any city of the second class, which has adopted the provisions of the Civil Service Act, are within the classified service of the Civil Service Law, as I have before stated. Of course, you understand that inspectors who were in service at the time the act was adopted, assuming it has been

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adopted in the city of Paterson, were protected by the Civil Service Law. New appointments, however, it seems to be, must be made pursuant to the provisions of the Civil Service Law, although the appointee, when once in office, has the benefit of all the provisions of the tenure of office act above referred to.

Yours very truly,

THEODORE BACKES,
Second Assistant Attorney-General.

The Civil Service Commission Cannot Approve Reinstatements of Dismissed Employees and those who have Resigned.

TRENTON, N. J., Dec. 22d, 1914.

DEAR SIR—I have your letter of the 21st inst., in which you state that your Commission has directed you to ask for my opinion in the following matter, that is, to say, the Commission is frequently called upon to act upon reinstatements made to positions. A case in point, which you state, is in regard to a stationary fireman who was dismissed from an Essex County institution for insubordination, and the appointing power, who dismissed him, now advises that said person has been reinstated; that the dismissal was approved by your Commission; that your Commission also receives at different times requests for reinstatement to the Uniformed Fire Department, and also to clerical positions. The real point upon which the Commission desires my advice is whether or not it has the power under the Civil Service Law to sanction or approve such reinstatements, when the persons have been separated from the service either through resignation or discharge; or whether such persons can gain admission to the service after going through the regular civil service examination as though they were being appointed for the first time.

I have noted the opinion of Mr. Justice Swayze in the case of *John H. Morris, Prosecutor, v. Board of Commissioners of Jersey City and John Sweeney*.

The conclusion which I have reached is this: When a person has once been separated from an office or position by reason of resignation or discharge, such person cannot be reinstated; but there is nothing in the Civil Service Law which prevents such person from taking an examination for any position or employment, assuming, of course, the position comes within the competitive class; and further, that there is nothing in the Civil Service Law which would prohibit any such person from being classified in the non-competitive or-exempt class.

Of course, what I have said does not apply to a suspension for cause, or to a person whose position has been abolished, and who goes upon the preferred list for a period of two years, pursuant to the Civil Service Law.

I think the foregoing answers your inquiry.

I am returning herewith the opinion of Mr. Justice Swayze.

Very truly yours,
JOHN W. WESCOTT,
Attorney-General.

A Deputy Commissioned by the Governor, but Appointed by a Department Head, is in the Classified Service.

TRENTON, N. J., Feb. 10th, 1915.

DEAR SIR—I have your letter of January 10th, in which you state that under Chapter 75, Laws of 1900, the Chief of the Bureau of Statistics of Labor and Industries shall appoint a deputy, who shall be commissioned by the Governor,

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to be Deputy Chief of such Bureau. Under the circumstances, you desire to know whether, under the phraseology just quoted, the deputy appointed would come directly under the Governor, as contemplated in Section 11 of the Civil Service Law, or whether the said appointment would be considered a direct appointment by the Chief of the Bureau, so that the deputy would be considered to come under the provisions of Section 13 of the Civil Service Law. In the former case the position would be unclassified under Section 11, while in the latter case the position would be in the exempt class.

In my judgment, the Chief of the Bureau has the right to appoint a deputy, and it is but a ministerial duty cast upon the Governor to issue a commission to the deputy thus appointed, and, when appointed, I am of opinion that the deputy would fall in the exempt class of the Civil Service Law.

Very truly yours,

THEODORE BACKES,
Second Assistant Attorney-General.

All Officers and Employes in Cities under the Walsh Act, Except the Commissioners themselves, are under Civil Service.

TRENTON, N. J., July 8th, 1915.

DEAR SIR—Your favor of June 11th, 1915, addressed to the Attorney-General, has been referred to me for reply.

You ask to be advised as to the effect of the recent decision of the Supreme Court, in the case of *Feeney v. Civil Service Commission*, upon the classification heretofore made by your Commission as to certain officers of municipalities which have adopted the commission form of government, known as the Walsh Act, and you call my attention especially to regulation 4, interpretation of terms, page 369 of the Commissioners' Sixth Annual Report, the second paragraph, which reads:

"In a municipality where the so-called commission form of government is in force each officer who is the chief of a separate department subject only to one of the commissioners shall be regarded as the 'head of a department.'"

In view of this decision of the Supreme Court, I am of the opinion that your classification of positions in municipalities operating under a commission form of government is improper, and that all officers and employes in such municipalities, except the commissioners themselves, are within the classified service of the Civil Service Act, and should be reclassified, in accordance with the provisions of said act.

Very truly yours,

HERBERT BOGGS,
Asst. Attorney-General.

Names Not to Remain on Preferred List in Case of Removal to Different Municipality.

TRENTON, N. J., October 28th, 1915.

DEAR SIR—Your letter of the 7th inst., addressed to Attorney-General Wescott, has been handed to me for reply.

You state that sometime ago your Commission received a communication from this department advising that a person whose name is on the eligible list for a municipality, and who removes from that municipality, is not entitled to have his name continued on such eligible list for certification; that you

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now have a case of a person whose position was abolished and whose name was thereupon placed on the preferred list for Union County for a period of two years; that you have ascertained that this person has removed from Union County to West Orange, and the question which arises is as to whether such person should be stricken from the preferred list, he no longer being a resident of Union County; or whether his name should be kept thereon until the expiration of the two-year period, provided for in the Civil Service Law.

In my opinion, his name should be stricken from the list. He is not now a resident of Union County. Under the law, the position having been abolished, he is entitled to go upon the preferred list, and to remain upon such list for a period of two years; but as he has removed from the county, I am clearly of opinion that his name should no longer be continued on the preferred list.

Of course, nothing that I have said must be construed to refer to a casual absence from the municipality of the person who has been placed on the preferred list, but his removal must be with the intention of not returning. This, of course, can be ascertained from the facts and circumstances in any particular case. That is to say, a person who is upon the preferred list may temporarily take employment in some other municipality than the one in which he was employed, but without an intention of giving up his residence in his old municipality. In the latter case, I am of the opinion that his name should not be stricken from the list. But, as I have before stated, if he has removed from the municipality without the intention of returning, then and in that event his name should be stricken from the preferred list.

Very truly yours,

THEODORE BACKES,
Second Assistant Attorney-General.

COURT DECISIONS.

Syllabus of the Court of Errors and Appeals in the Case of Booth and McGuinness.

(75-A. R.-p. 455 & 78, N. J. Law, p. 346.)

1. MUNICIPAL CORPORATIONS (§ 67*)—CIVIL SERVICE LAW—GOVERNMENT BY COMMISSION.

The so-called "Civil Service law" (P. L. 1908, p. 235) is not vitiated by the fact that, with respect to those municipalities which properly adopt its provisions, the act confers a participation in the local government upon a commission not chosen by the several municipalities affected nor from among their citizens or inhabitants.

[*Ed. Note*—For other cases, see Municipal Corporations, Cent. Dig. § 162; Dec. Dig., § 67*.]

2. CONSTITUTIONAL LAW (§ 67*)—LOCAL SELF-GOVERNMENT—GOVERNMENT BY COMMISSION.

The Constitution of this State does not guarantee to the people of the several political divisions of the State the right of local self-government, so as to disable the Legislature from providing for the government of those divisions by commission chosen otherwise than by the people themselves.

[*Ed. Note*—For other cases, see Constitutional Law, Cent. Dig., § 162; Dec. Dig., § 67*.]

3. STATUTES (§ 101*)—LOCAL AND SPECIAL ACTS—CONSTITUTIONAL LAW.

The Constitution of this State, as amended, prohibits the passage of local or special laws, but not of general laws, "appointing local offices (sic) or commission to regulate municipal affairs."

[*Ed. Note*—For other cases, see Statutes, Cent. Dig., § 113; Dec. Dig., § 101*.]

4. CONSTITUTIONAL LAW (§ 45*)—CONSTITUTIONALITY OF STATUTES—POWERS OF CONGRESS.

In the exercise of the judicial function of declaring an act of the Legislature unconstitutional, the ultimate question is, not whether the court regards the Constitution as permitting the act, but whether the Constitution permits the court to disregard the act; the test being, not the court's judgment as to the constitutionality of the act, but its conclusion as to what judgment was permissible to the legislative branch of the government in which the Constitution has reposed the duty of making such judgment as an incident of the law-making power. Hence, if there be a permissible doubt as to the existence of the constitutional limitation invoked against the validity of an act, the courts will not declare the act to be contrary to the Constitution.

[*Ed. Note*—For other cases, see Constitutional Law, Cent. Dig., § 42; Dec. Dig., § 45*.]

5. MUNICIPAL CORPORATIONS (§ 64*)—LEGISLATIVE POWERS—CONTROL OF MUNICIPALITIES.

The Legislature may impose its will as law upon Municipalities; but, if some other will is to intervene, it must be that of the people who are to be governed by such municipal law and not an alien will, even though it be that of the governing body for the time being of such municipality.

[*Ed. Note*—For other cases, see Municipal Corporations, Cent. Dig., §§ 156, 157; Dec. Dig., § 64*.]

6. MUNICIPAL CORPORATIONS (§ 75*)—ACCEPTANCE OF MUNICIPAL CHARTER—REFERENDUM—CONSTITUTIONAL LAW.

The distinction observed between legislative acts requiring acceptance to become municipal charters (*i. e.*, referendum statutes) and those conferring legislative powers to be exercised (or not) by the local legislative bodies (*i. e.*, statutes delegating powers of local government); and the further distinction observed between the acceptance of referendum statutes by the people at the polls and the exercise of delegated power by the local legislative body.

[*Ed. Note*—For other cases, see Municipal Corporations, Cent. Dig., §§ 179, 180; Dec. Dig., § 75*.]

7. CONSTITUTIONAL LAW (§ 63*)—LEGISLATIVE POWERS—DELEGATION OF POWERS.

A statute in the nature of a supplemental charter that is enacted to take effect upon its adoption by the governing body of a municipality is not a constitutionally enacted law.

[*Ed. Note*—For other cases, see Constitutional Law, Cent. Dig., §§ 108-114; Dec. Dig., § 63*.]

8. CONSTITUTIONAL LAW (§ 63*)—CIVIL SERVICE LAW—DELEGATION OF POWERS.

The so-called "Civil Service law" (P. L. 1908, p. 235), in so far as its operation is made to depend upon its adoption by the governing body of a municipality, is unconstitutional.

[*Ed. Note*—For other cases, see Constitutional Law, Cent. Dig., §§ 108-114; Dec. Dig., § 63*.]

NOTE—On the basis of this decision, sustaining the constitutionality of the act, but not its adoption by ordinance of the governing body of a municipality, the Civil Service law became inoperative February 23, 1910, in the county of Essex, and in the cities of Newark, Jersey City, Bayonne, New Brunswick and Rahway, and the village of South Orange.

The Civil Service law has since been adopted by referendum in the county of Essex and the cities of Newark and East Orange, Trenton, Mercer county; Jersey City, Hudson county; South Orange, Paterson, Passaic county, the School District of Newark, the city of Elizabeth, and Union county.

The Civil Service Law Cannot Operate to Extend Terms Fixed by Statute.

'County physician not a "department head."
What constitutes a head of a department.

NEW JERSEY SUPREME COURT.

THE ATTORNEY-GENERAL, EX REL.

WILLIAM H. MCKENZIE,

v.

DANIEL ELLIOTT,

} Quo Warranto.

Alonzo Church (Joseph L. Munn with him), for relator.
John R. Hardin, for defendant.

SWAYZE, J.

This case was argued before me, by consent, by way of rehearsal, in the hope of a speedy decision, which may be promptly reviewed, I will, therefore, not attempt an elaborate opinion but will indicate shortly the conclusions I have reached.

I think the election of the defendant in May, 1907, if valid, could only have been for the unexpired term of his predecessor, and not for a new term of two years from the date of his own election. The act of 1900 (P. L.

1900, 168) does not expressly define the term in case of an election to fill a vacancy, but it evidently contemplates that the term of service shall end with the first Monday of December of every second year, so as to be co-terminous with the term of the freeholders. The reasoning of Judge Folger in *People v. Potter*, 47 N. Y. 375, cited in relator's brief is convincing, and is supported by the result in *People v. McClave*, 99 N. Y. 83.

The question raised as to the constitutionality of the act of 1908, called the Civil Service Act, is an interesting question if, as the defendant contends, the effect of the act is to give him a secure tenure during good behavior. By section 12 of the Civil Service law, the commission is directed to arrange offices, positions and employments in the classified service in four classes, one of which is called the exempt class, in which appointments may be made without examination. Two other classes are called respectively competitive and non-competitive. In these classes appointments can only be made after an examination, and section 2 enacts that officers, clerks and employes now in the employ of the State or any municipality adopting the act, shall continue to hold their offices or employments and shall not be removed therefrom except after a written statement of the reasons for removal and an opportunity to make a written answer; from which it may fairly be inferred that a hearing upon the charges is contemplated. The right of an officer to continue in his place indefinitely depends therefore upon whether he comes within the competitive or non-competitive class of the classified service, or whether he comes within the exempt class, and since the commission is authorized to change the classification from time to time as it deems proper, the necessary result is that the indefinite continuance in office of one, whose term has been definitely fixed by act of the Legislature, is committed to the decision of the commission, which may vary it as it sees fit. Among the offices embraced in the classified service are the Vice-Chancellors, whose term is fixed by the statute creating the office at seven years, co-extensive with the term of the Chancellor and Justices of the Supreme Court as fixed by the Constitution. If the defendant's construction is correct, the commission is empowered to change his term of the Vice-Chancellors from seven years to a tenure during good behavior, while the Chancellor, who appoints them, and by the Constitution is the Court of Chancery, can only hold for seven years. Such a conclusion is sufficiently startling, and if I felt constrained to adopt the construction contended for by the defendant, I should entertain grave doubts as to the constitutionality of the act. The defendant's brief concedes that the act is unconstitutional so far as it affects the Vice-Chancellors, and this concession seems necessary if the defendant's construction is adopted. A construction which leads to declaring an act unconstitutional ought not to be adopted if it can be avoided. It is the duty of the courts to adopt such a construction as will sustain the constitutionality of an act of the Legislature if it can be done, without doing violence to the language of the act. I think such a construction is possible. The act deals first with removals from, and then with appointments to, office. I have quoted section 2, which related to removals; I think this section refers only to officers whose term was not previously fixed by law. It was this class which needed the protection of the act in order to secure them against removal for political causes. The word "removal" naturally applies to one whose term is indefinite; it does not naturally connote the case of an officer whose statutory term has actually expired. In such a case, there is a vacancy, and no removal is necessary. The distinction between removing an officer and filling an existing vacancy not due to removal but to expiration of term, is a natural one and makes a reasonable basis for classification. I fail to see how any provisions of the act prohibiting removals from office can operate to extend a term which has already been fixed by act of the Legislature. I conclude, therefore, that Dr. Elliott's term was not extended by the Act of 1908. The result is that there should be judgment of ouster, which may be entered February 16.

The pleadings raise the further question of the title of Dr. McKenzie to the office, and it is therefore incumbent upon the court to determine "the

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very right to the office," to use the language of the *quo warranto* act. This depends upon somewhat different considerations arising out of the sections regulating appointments. It is argued on this behalf that he is the head of a department and therefore within the unclassified service. I should have some difficulty in holding that an officer whose duties are similar to those of a coroner at common law, who has no office in any county building, and no clerical force under him, is a head of a department within the meaning of the statute. It seems more probable that "heads of departments" in section II are the same class of officials as "appointing officers and heads of departments" in section 17, and "the head of a department, office or institution" in section 21. In these sections the words evidently refer to some officer who has a clerical or other force under him, appointed by him. It is, however, unnecessary for us to dwell upon this, since I think other language of the act clearly indicates that the classified service does not include officials with a fixed statutory term who are appointed by the board of chosen freeholders. The object of the act is to secure a permanent tenure to officers coming within its provisions, and what I have already said applies as forcibly to the case of appointments of new officers as to the removal of old ones. If this construction were adopted, the terms would depend on the will of the Civil Service Commission, and their resolutions would operate to repeal legislative enactments. Such a construction is not required. The section which provides the method of appointment in the classified service (Section 21) enacts that "the head of a department, office or institution in which a position classified under this act is to be filled shall notify said commission of that fact"; the commission is then to certify three candidates. The board of chosen freeholders is not a mere appointing body; it is the county Legislature; the Civil Service act itself is in force in Essex county only by virtue of its ordinance. By no stretch of language can such a legislative body be called a "head of a department, office or institution." These words naturally import an officer of an administrative character; they are quite inappropriate term to designate a body of a legislative character.

The construction I have thus adopted carries out the desirable end of protecting the clerical force in our public offices from removal for political causes, it tends to secure appointments for merit and fitness, the declared object of the act, in cases where there is a probability of determining that merit and fitness by means of competitive or non-competitive examinations, it avoids the absurdity of giving the Vice-Chancellors, at the whim of the commission, a more secure tenure than the people have seen fit to give the Chancellor and the justices of this Court, and it steers clear of the serious constitutional objections to the act which the other construction would involve.

Let judgment be entered on February 16th that the relator is entitled to the office.

**A County Officer, who Holds an Office Created by Statute, the
Term of Which is Fixed by the Statute, is not Subject to
the Provisions of the Civil Service Act, and is
not Entitled to the Benefits Thereof.**

NEW JERSEY SUPREME COURT.

FERDINAND J. HOSP,
Prosecutor,

v.

THE CIVIL SERVICE COMMISSION OF THE
STATE OF NEW JERSEY ET AL.,
Defendants.

On certiorari.

Argued before the Chief Justice sitting alone by consent of parties.

For the prosecutor, *Benjamin F. Jones.*

For the defendants, *Edmund Wilson, Attorney-General, and Alonzo Church.*

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GUMMERE, C. J.

This writ is sued out to test the validity of a resolution of the Civil Service Commission of the State of New Jersey placing in the classified service, and classifying in the competitive class of the Civil Service, the position of warden of the Essex County Penitentiary. Under the Civil Service Act all officers, clerks and employes in the service of the State or of any municipality in which the statute is in force who are properly placed in the classified service by the Civil Service Commission are entitled to hold their offices and employments indefinitely and are not subject to removal therefrom except for cause; and the question presented for determination is whether, under the statute referred to, the commission is legally justified in placing the office of warden of the county jail in the classified service.

In the case of *Attorney-General v. McGinnis*, which was a proceeding in the nature of a *quo warranto* to test the question whether the office of county collector was one which could be placed in the classified service by the Civil Service Commission and thereby made subject to the provisions of the Civil Service law, it was determined by the trial justice that the act did not apply to the case of offices whose terms are established by law and that conclusion was affirmed by the Court of Errors and Appeals, that court saying, "the construction placed upon the act by Mr. Justice Swayze in the Supreme Court, in so far as the office in dispute is concerned, meets with our approval." See Opinions, 49 *Vr.*, p. 385.

By the provisions of "An act to reorganize the government of counties of the first class in this State," approved March 22d, 1900 (*P. L. 1900, p. 168*), the boards of chosen freeholders in such counties are required to appoint, among others officers, a warden of the penitentiary (Sec. 6); and by the provision of the eleventh section of that act the term of that office is fixed at two years; and no statute to which my attention has been called or with which I am familiar has so modified the provision of section 11 as to change the term of this office from a fixed and definite one to an indefinite one. It follows therefore that as the office of warden of the county penitentiary in a county of the first class is one the term of which is fixed and established by law the incumbent thereof is not affected by the provisions of the Civil Service law and cannot by any action of the Civil Service Commission be retained in his office after the expiration of his fixed term.

I conclude, therefore, that the resolution of the Civil Service Commission brought up for review by this writ should be set aside.

Secretary of a County Tax Board is a State Employee.

Position is that of an officer whose term is fixed by statute and therefore outside of Civil Service Law's protection.

NEW JERSEY SUPREME COURT.
No. 241. November Term, 1913.

JOHN A. BURGAN, <i>Prosecutor,</i>	}	OPINION. Filed May 19, 1913.
<i>v.</i>		
NEW JERSEY CIVIL SERVICE COMMISSION AND FRANKLIN E. SMITH, <i>Respondents.</i>		

Argued November Term, 1912. Decided 1913.
On Certiorari. Before Justices SWAYZE, VOORHEES and KALISCH.
For the prosecutor, *H. Starr Giddings*.
For the respondents, *Harry Wooton*.

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The opinion of the Court was delivered by
KALISCH, J.

The prosecutor, John A. Burgan, claims to be secretary of the Atlantic County Board of Taxation by virtue of election held May 1st, 1912. The respondent, Mr. Smith, has been elected secretary of said board at each annual organization thereof from 1906 to 1911, inclusive. The respondents contend that Mr. Smith is an officeholder protected by the Civil Service law. He is, undoubtedly, an officer in the paid service of the State within the case of *Pierson v. O'Connor*, 54 N. J. Law 36, and *Paddock v. Hudson County Board of Taxation*, 83 Atl. Rep. 185. The vital question, therefore, for decision is whether or not his term of employment is fixed by law. If it is fixed then he does not come within the protection of said act.

The solution of this inquiry must be found in the act of 1906, which created the county tax boards (P. L. 1906, p. 210), and under which Mr. Smith was employed as secretary to the Board.

A reading of this act makes it manifest that it compels a reorganization of the Board annually, because by force of its provisions one member of the Board goes out each year and a new member takes his place.

And section 3 of the act provides: "Each board, shall upon organization elect from among their number a president, and shall have power to employ a secretary, and fix his compensation, which shall in no case be in excess of the amount paid to any member of such board * * * ." The statute clearly implies the employment of a secretary, by the board, for the term of one year, that is during the life of the board which is limited to one year, or otherwise the provision for the organization of the board annually, and the election from their number (including the new member) of a president, and with power to employ a secretary would be rendered senseless.

We think that the term of the secretary is as definitely fixed by law for one year, by the statute, as if the act had in express terms stated that the term of employment of the secretary shall be one year. The logical sequence of this view is that Mr. Smith's term was fixed by law and was properly filled by the new board.

It does not appear that there has been any action taken by any board which the certiorari could reverse, and, therefore, the prosecutor cannot succeed in this proceeding. But the new practice act was intended to meet such a condition as is presented here, and since it appears that the prosecutor is entitled to relief he may file an information.

The Civil Service Law Applies to Employees of County Tax Boards as State Employees.

The Civil Service law cannot operate to prevent abolition of positions for reasons of economy.

NEW JERSEY SUPREME COURT.
November Term, 1911.

JAMES C. PADDOCK, *Relator,*
v.
HUDSON COUNTY BOARD OF TAXATION, *Defendant.*

Argued November Term, 1911. Decided April 11th, 1912.

1. The relator held a clerkship in the office of the Board of Taxation of Hudson county since 1906. The board had a larger clerical force than it needed for the proper transaction of its business and therefore, for the purpose of economy, it decided to dispense with the services of the relator and two other clerks and dismissed them. *Held*, that though the relator was in the paid service of the State and within the protection of the Civil

Syllabus of the Supreme Court in the Case of Salter v. Burk et al., 83 Atl. Rep. 973.

1. MUNICIPAL CORPORATIONS (§ 48*)—GOVERNMENT—GENERAL LAWS.

By the act entitled "An act relating to regulating and providing for the government of cities, towns, boroughs and other municipalities within this State" (P. L. 1911, p. 462), the management of municipal affairs is intrusted to a board of commissioners; but it largely leaves the mechanism of the adopting city's government and the provisions of its charter untouched. It does not alter general laws or charter provisions relating to the government of such city, except when inconsistent with its provisions.

[*Ed. Note*—For other cases see Municipal Corporations, Cent. Dig., §§ 127, 128, 130-133; Dec. Dig., § 48*.]

2. MUNICIPAL CORPORATIONS (§ 124*)—OFFICERS—APPOINTMENT.

Where the law prescribes the term of a municipal officer, it is beyond the power of the board of commissioners of a municipality to elect for a greater or less term, or for an indefinite term, and an attempt to do so will not constitute a valid appointment; and a vacancy, in contemplation of law, will still exist in such office.

[*Ed. Note*—For other cases see Municipal Corporations, Cent. Dig., §§ 290-297; Dec. Dig., § 124*.]

3. OFFICERS (§ 83*)—TITLE TO OFFICE—PROCEEDINGS TO DETERMINE.

One complaining of the illegality of the election to office of another in his stead must first show that he himself has legal title to it.

[*Ed. Note*—For other cases, see Officers, Cent. Dig., §§ 115-123; Dec. Dig., § 83*.]

4. OFFICERS (§ 69*)—QUALIFICATIONS—CIVIL SERVICE ACT.

The application of the Civil Service Act (P. L. 1908, p. 235) must be limited to the protection of officers *de jure*, and cannot be extended to keep in office *de facto* officers.

[*Ed. Note*—For other cases, see Officers, Dec. Dig., § 69*.]

NOTE—On the basis of the above decision, the suit of Harry F. Salter, to retain his position as city clerk of Trenton, was dismissed.

The Civil Service Law Cannot be Extended to Keep in Office *de facto* Officers.

NEW JERSEY SUPREME COURT.
November Term, 1912.

FRANK P. SHALVOY,

Relator,

v.

WILLIS FLETCHER JOHNSON, CIVIL SERVICE
COMMISSION OF THE STATE OF NEW JERSEY,
Respondents.

Submitted December 5, 1912. Decided March 1913.

On rule to show cause why mandamus should not issue, commanding the Civil Service Commissioners of New Jersey to certify on the sheriff's pay roll of Essex county the sum of \$45.50 as due relator for pay as court attendant from April 1 to April 15, 1912.

Before Justices TRENCHARD, PARKER and MINTURN.

For the relator, *James R. Nugent*.

For the respondents, *Nelson B. Gaskill*.

The opinion of the Court was delivered by
PARKER, J.

This appears to be an attempt by a temporary appointee to remain permanently in office because he was illegally suffered to remain in the

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performance of his duties beyond the statutory period. Section 29 of the Civil Service Act (C. S. 3806) provides for temporary appointments in emergencies, "but the head of such department * * * upon employing any such person * * * shall immediately give notice thereof to the commission * * * and as soon thereafter as practicable, a person shall be selected in accordance with the other provisions of this act, whereupon the services of the person or persons so temporarily employed shall cease. In no case shall such employment continue for a longer period than two months, nor shall successive temporary appointments be made to the same position under this provision."

Relator was temporarily appointed a court attendant on November 27, 1911, "to date from November 18," to take the place of a man who had died, and the commission was duly notified. On January 10, 1912, the commission certified a list of eligibles, but on representation to it, that a change of court officers during the session of the courts was undesirable, relator was (unlawfully after January 18th) continued in office until April 1, after which date the commission refused to certify his salary, and the present application is to compel them to do so.

Meanwhile, on March 14, 1912, the Governor approved chapter 82, of the laws of 1912 (P. L. 113), being a supplement to the Civil Service Act, providing that every officer of the various county courts, "holding office or employment at the time of the introduction of this act, or maybe hereafter appointed, shall continue to hold their offices or appointments as the case may be, and shall not be removed therefrom except in accordance with the provisions of the act to which this is a supplement." This act is invoked as confirming relator in the position occupied by him at the time of the introduction of the act, and forbidding his removal except by proceedings in accordance with the Civil Service Act. It has been held by this court, however, that the application of the Civil Service Act (of which the act of 1912 is a supplement) must be limited to the protection of officers *de jure*, and cannot be extended to keep in office *de facto* officers. *Salter v. Burk*, 83 Atl. 973, unless, therefore, relator was a *de jure* officer at the time of introduction of the act he is not entitled to its protection. There is no proof whatever as to the date of introduction of the act; while it is plain that by reason of the inhibition found in section 29, relator was not a *de jure* officer after January 18. His counsel argues that the retention of relator in office after the two months was *ultra vires* the commission, and very likely this is true, but it only emphasizes the point that after January 18 he was not a *de jure* officer. Assuming that the act of 1912 would protect him if introduced before that date, he has not shown the date of its introduction and so has failed to prove an essential element in his case, viz., that he was a *de jure* officer at the time of such introduction.

The rule to show cause will be discharged, with costs.

Employes of Sheriff in County Jail are Under Civil Service.

NEW JERSEY COURT OF ERRORS AND APPEALS.
No. 7 a. November Term, 1912.

EDMUND WILSON, ATTORNEY-GENERAL EX REL,
PATRICK J. SULLIVAN,
Plaintiff in Error,
v.
JOHN J. McOSKER,
Defendant in Error.

On information in nature of *quo warranto*.

Argued at November Term, 1912. Decided March 3, 1913.

On error to Supreme Court.

For the plaintiff in error, *Collins & Corbin*.

For the defendant in error, *Joseph M. Noonan*.

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The opinion of the Court was delivered by
KALISCH, J.

The relator, Patrick J. Sullivan, was the warden of the Hudson County Jail at the time when the Civil Service law went into operation, having been appointed to that position by Sheriff Kelley. Sheriff Wedin, who was Sheriff Kelley's successor, removed Sullivan without charges or hearing and appointed John T. McOsker in his place. The relator attacked this appointment by *quo warranto*, and the facts being undisputed, the defendant filed a demurrer, which was sustained by the Supreme Court and judgment given in favor of the demurrant. This judgment is now here, for review, on error. The only question involved and presented in the applicability of the Civil Service law of 1908 (3 Comp. Stats., 3795) to the position of warden held by the relator.

The position assumed by the defendant is that the warden or headkeeper of the common jail did not hold his office under the government of the county, but was an "officer, appointee and employe of the sheriff" and therefore not within the protection of the Civil Service law and hence was removable at the pleasure of the sheriff without a hearing or charges. To support this assumption it is argued that from the very earliest period in the history of jails in England and in this State, the sheriff was the absolute custodian of the jail and was held personally responsible for its management and for the escape of any prisoner confined therein. His employment of assistants to aid him in governing the jail was a personal one and created the relation of employer and employe between them—the assistants being paid out of the emoluments of his office. That the act of 1905 in providing a salary for the sheriff in lieu of fees did not affect the nature of the relation existing between the sheriff and the headkeeper of the jail, the effect of the act being to transfer the disbursing of the funds for the maintenance of the jail from the sheriff to the financial officers of the county. And it is further argued that the 4th section of the act of 1905 in providing as follows: "said sheriff shall select and employ the necessary deputies and assistants for said office, who shall receive such compensation as shall be approved by the board of chosen freeholders, and who shall be paid monthly by the proper disbursing officer of the said counties on warrants authorized by the board of chosen freeholders of their respective counties," is declaratory of the theretofore existing relationship of employer and employe between the sheriff and his appointees, and emphasize the force of the contention that the statute left unimpaired the sheriff's absolute right to appoint and remove his subordinate, by having expressly declared it to be his right and duty to select and employ them. And also because the seventh section of the act provides that nothing contained therein shall relieve the sheriff from being subject to all the duties, responsibilities and liabilities theretofore devolving upon him by law.

This argument is unsound. The fallaciousness of it consists in the assumption of the defendant that the relation created between the sheriff and those he selects and employs as his assistants is a private and domestic one—that of master and servant, and governed by the law concerning such a relation. This is palpably an erroneous view of the matter. As soon as the sheriff selects and employs assistants they become the servants of that municipality for whom the sheriff is acting, as the agent, and they become amenable for their official misconduct, in the performance of the public duties devolved upon them in their respective positions, to the public. In concise terms they are minor public officials acting under the supervision of an official of a higher rank or grade. And further, the common jail of a county is not a private institution, but is, as has been well said by Gummere, C. J., in *Freeholders v. Kaiser*, 46 Vt., p. 15, a county institution and the burden of its maintenance has always rested upon the county. It is a public institution necessary to the protection and welfare of the community. To maintain it properly, it must have a headkeeper and assistants, because the inmates confined therein are mainly of the criminal classes, and need strict

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and constant surveillance. The duties to be performed in and about the care and maintenance of the common jail are public duties, in the proper performance of which the public is interested. The mere fact that the sheriff is the person designated who shall select and employ the assistants does not make such assistants his employes whom he can discharge at will. In making the selection and employment he does so as agent of the State. The selection and employment of assistants to aid him in the performance of public duties required of him must devolve upon some one, and the Legislature, in this instance, has cast that duty upon the sheriff, and judiciously so, for he is most nearly interested in that the persons selected and employed to aid him in the discharge of such public duties shall be capable and honest. That the warden of the common jail, in caring for it, is engaged in discharging a public duty in the interest of the people of Hudson county cannot be successfully controverted. He, as well as the sheriff, is responsible to the county for any official neglect, notwithstanding the fact that the sheriff stands surety for the warden's official conduct. The fact that the county pays the warden for such services out of the county funds makes him an employe in the service of the county and therefore within the protection of the Civil Service law.

To adopt any other construction would tend to destroy the civil service, through the means of which the employes in all departments in the service of the State are enabled to attain a high standard of efficiency, and would practically prevent the application of the Civil Service law to every department of public service in this State, where clerical assistants are selected and appointed by the head of such department. This becomes strikingly manifest from an examination of the act fixing the compensation of certain public offices of the State, 4 Comp. Stats. 4632, the second section of which provides: "That the public offices hereinafter mentioned are hereby authorized by and with the approval of the Governor of this State to employ assistants as may be necessary in the several departments, provided that the annual cost thereof shall not exceed the amounts hereinafter allotted to the several departments for that purpose." Then follows a schedule of the departments to each of which is allotted a certain sum of money to be paid to the persons employed in each of the departments, who shall make out their several bills monthly, etc., and present the same to the Comptroller and on his warrant to be paid by the Treasurer of the State.

These persons are all employed by the heads of departments with the approval of the Governor, and yet it would hardly be said that they were not State officials protected by the Civil Service law. Another example to be noted is section 6 of 4 Comp. Stats. 4634, by which the Secretary of State is allowed \$4,000 for clerk hire, for which he is required at all times to employ and keep in his office a sufficient number of competent clerical assistants.

An examination of the statutes on this subject shows that nearly all the clerks and assistants who are subject to the Civil Service law are employed by the head of the department and paid by the State. And this course is followed in each of the counties of the State where the clerk of the county and the surrogate are required to employ sufficient assistants for which the county pays, and there has been no substantial reason given why the sheriff's appointees after the sheriff was put on a salary and required "to select and employ the necessary deputies and assistants who shall receive such compensation to be paid monthly by the proper disbursing officer of the county," should stand on a different basis. That the powers of the sheriff are subject to statutory regulation can be hardly doubted, when for a century the Legislature has assumed this power, *State v. DeLorenzo*, 52 *Vr.*, 613. It has granted to the sheriffs the care of the county jails; it has taken such power from the sheriff and committed it to the board of chosen freeholders where it remains in most of the counties of this State, and it has in counties of the first class committed to the sheriff the control and management of the county jail.

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of Essex county for public acceptance at an election involving a large expenditure of public funds, two enactments, one of which when thus adopted is *eo instanti* repealed the other.

We perceive no inconsistency in these enactments. They both register the legislative will upon two distinct questions of public policy in the regulation of State, county and local government. The one has for its prime object, as its original title indicates, the reduction of county representation in the boards of freeholders of the State, thus making at once for economy and efficiency of administration, with the question of appointments to employment under the supervision of such boards as a subsidiary and incidental motive. The other enactment represents the result which we must judiciously notice, of a pressing public demand in nation and State, for the abolition of a system of public employment based upon stratagem and spoils, and the substitution therefor, *pro bono publico*, of a system of employment based upon business like methods of merit and fitness.

The inconsistency between two such acts is not apparent. They both fit into the legislative scheme of economy, efficiency and fitness.

If these prosecutors are to remain in the county employment, it will be because the Civil Service policy of the State, accepted by the county, has stamped the imprimatur of fitness and efficiency upon them. If they are to be rejected under these resolutions of the board, it can only be because the vote of the people and the declared public policy of the State are to be set at naught by the provisions of an act passed six years prior to this legislative declaration in the interest of the public service.

It is to be observed that a repealing clause in the Strong Act, or in any of its supplements or amendments, can be held to apply only retrospectively and repeals only legislation in existence at the time of the passage of the original act. (*Farrell v. State*, 34 N. J. L. 421.) If this rule be applied to the provisions of the Civil Service Act, it may well be contended that there is contained in its second section ample evidence of a specific legislative intent to repeal anything inconsistent with the effective operation of the public policy therein declared.

This construction of these legislative measures leads us to conclude that the prosecutors are not occupying an office for a term with a fixed statutory tenure, and, as such, excluded from the operation of the Civil Service Act (*McKenzie v. Elliott*, 77 N. J. L. 43); but, on the contrary, that they are clerks or employes of the board of freeholders, and so, within the specific language, and the plain intent of that act, are protected from removal from their employment for any cause other than those causes prescribed by the terms of the Civil Service Act and in the manner therein provided.

The resolutions in question will, therefore, be set aside.

A Clerk is not an Officer.

NEW JERSEY COURT OF ERRORS AND APPEALS.

No. 88. June Term, 1912.

HERBERT WALKER, Defendant in Error, v. THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF ESSEX ET AL.	}
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Submitted July 15, 1912. Decided November 18, 1912.

1. The provisions of section six of "An act to reduce the number of members of boards of chosen freeholders, &c." (The Strong Act), P. L. 1902, p. 67, concerning the terms of office of certain officers do not apply to a mere clerkship in a county institution.

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On error to the Supreme Court.

For the plaintiff in error, *Benjamin F. Jones*.

For the defendant in error, *Frank H. Sommer*.

The opinion of the Court was delivered by

GARRISON, J.

The judgment of the Supreme Court is affirmed.

We do not find it necessary to consider the question decided by that court respecting the conflict between the provisions of the Strong Act (P. L. 1902, p. 65) and the Civil Service Act (P. L. 1909, p. 294) for the reason that the provisions of the Strong Act, upon which the plaintiffs in error rely, applies only to "offices" and "officers," whereas the appointment they seek to sustain concerns a mere clerkship in one of the county institutions. Such an employment judged by the nature of its duties, as shown by a stipulation, is not an office is clear from our decisions which are collected in the opinion recently filed in the case of *Frederick v. Board of Health* (82 At. Rep., p. 528).

Even conceding that the hold-over officers recognized by the Strong Act are to be treated as such by force of the language of the act under which they are appointed (P. L. 1900, p. 168), such construction does not extend beyond the officers and heads of departments specifically enumerated in section six of that act and "such other officers" as may be determined by the resolution of the Board. The duties appertaining to the clerkship in question are performed by an agent employed by the board and not by virtue of any office recognized by this act.

The effect of the Strong Act is not to invest this employment with the attributes of a position, still less to constitute it an office.

Upon this ground the judgment of the court below is affirmed.

The Adoption of the Civil Service Gives no Preference for Priority of Service Before the Adoption of the Act.

WILLIAM BELFIELD

v.

JOHN J. McMAHON, REGISTER
OF THE COUNTY OF HUDSON.

On Rule to Show Cause.

Alexander Simpson, for the rule.

John M. Noonan and *John E. Dennin*, contra.

Argued at the February Term, 1914, before SWAYZE and BERGEN, JJ.

PER CURIAM.

William Belfield obtained a rule to show cause why a writ to mandamus should not be allowed to compel McMahon, as register of Hudson county, to reinstate him upon the ground that he was discharged by the register when there were other clerks retained, who came into service after he did.

The precise point presented is whether in discharging clerks for the purpose of economy, seniority of service entitles the clerk to preference in the determination of the question who, among a number employed when the Civil Service law went into effect, should be first discharged.

The contention of the Register is that the term of classified service under the Civil Service law begins when the law went into effect, and that service prior thereto gives no additional standing except that those employed entered the classified service without examination or other special qualification.

We find nothing in the act relating to the Civil Service which authorizes the Civil Service Commission to extend the qualification to a term of service

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prior to the enactment of the law. Neither experience or qualification was an element entering into the retention of those in service, and the placing of them in the classified list. They went there automatically, but there we think the preference ceased and that all stood upon equal ground, and that service, prior to the adoption of the act relating to the Civil Service, cannot be considered in determining the question of seniority of employment, the result being that the rule to show cause should be discharged.

Employees of Board of Street and Water Commissioners, of Newark, Dismissed for Reasons of Economy, Were Properly Dismissed.

NEW JERSEY SUPREME COURT.
No. 349. February Term, 1913.

JOHN COLGARRY ET AL.,
v.
BOARD OF STREET AND WATER COMMISSIONERS
OF THE CITY OF NEWARK.

Certiorari Reviewing Resolution.

Argued February Term, 1913. Decided June Term, 1913.

McCarter & English, attorneys for prosecutors.

Herbert Boggs, attorney for defendant.

Argued before Justices GARRISON, SWAYZE and MINTURN.

PER CURIAM.

The writ in this case removes a resolution of the Board of Street and Water Commissioners, removing from office a number of employees of that department of the city government of Newark.

The resolution bases the action of the board upon consideration of "efficient and economical administration of the service of the city, and abolishes the positions of the prosecutors in this language 'that the several positions and employments now held by them respectively be and the same are hereby abolished and terminated.'"

The practical legal inquiry thus presented is not whether the prosecutors who claim to be protected from removal by the provisions of the Civil Service Act, the Tenure of Office Act and the Veterans Act, are subject to removal; but whether it is competent for the board in the interest of efficiency and economical administration to abolish positions, which in their judgment, honestly exercised, may be dispensed with.

This inquiry has been answered in the affirmative by the various adjudications of this Court whenever the concrete inquiry has been presented.

Paddock v. Hudson Co. Board of Taxation, 82 N. J. L. 360.

Stivers v. Jersey City, 70 N. J. L. 606.

State v. Board of Street, Etc., Commrs., 60 N. J. L. 109.

These adjudications are conclusive upon the question presented here, and the writ will therefore be dismissed.

COURT OF ERRORS AND APPEALS OF THE STATE OF NEW JERSEY.

November Term, 1913.

JOHN COLGARRY ET AL.,
Prosecutors-Appellants,
v.
BOARD OF STREET AND WATER COMMISSIONERS
OF THE CITY OF NEWARK,
Defendant-Respondent.

Argued December 5, 1913. Decided January 15, 1914.

When a municipal corporation *bona fide* and in the interest of efficient and economical administration, determines to reduce the number of its employees

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by abolishing certain positions in its service, the employes thus removed from their positions are not entitled to notice and an opportunity to be heard in relation to such a proceeding, for, neither the Civil Service Act (Comp. Stat., p. 3795), nor the Veteran Act (4 Id., pp. 4871, 4873), nor the Board of Works Tenure of Office Act (1 Id., p. 984), protects them from such removal or discharge.

On appeal from the Supreme Court.

For the appellants, *Arthur F. Egner* (*Robert H. McCarter* on the brief).

For the respondent, *Herbert Boggs*.

The opinion of the Court was delivered by
WALKER, CHANCELLOR.

This case presents an appeal from the judgment of the Supreme Court affirming certain proceedings of the board of street and water commissioners of the city of Newark, which were before that court on *certiorari*.

Certain persons employed by the board, and whose positions and employments were abolished, sued out a writ of *certiorari* to review the legality of the resolution which deprived them of their employment. The resolution brought up recites that certain named employes are unnecessary to the efficient and economical administration of the city, within the jurisdiction of the board, and then provides that those employes be placed on the suspended list and that their respective salaries and wages cease and that the several positions and employments held by them respectively be abolished and terminated.

The employes, thus removed, claim the protection of the Civil Service Act (Pamph. L. 1908, p. 235, sec. 24), which provides that certain employes shall not be removed, discharged or reduced in pay or position or otherwise discriminated against because of political opinions or affiliations, and further that they shall not be removed, discharged or reduced until they shall have been furnished with a written statement of the reasons for such action and allowed a reasonable time in which to make written answer thereto.

The record shows that all of the persons removed under the respondent's resolution were members of the same political party, but it does not show that those who were retained were all of another political party; hence it does not appear that the prosecutors were discharged from their employment because of any discrimination against them on account of political opinions or affiliations.

The appellants in this case fail to show that their employments were not abolished for the purpose of economy, and, therefore, under the decision of the Supreme Court in *Paddock v. Hudson Tax Board*, 53 *Vroom* 360, they are not entitled to set aside the resolution of the board. As was well said in that case (at p. 361):

"It was not the design of the Civil Service law to perpetuate the offices regardless of the fact whether they were needed or not. The very spirit of good government intends that useless offices drawing revenue from a municipality or state should be abrogated, and it would be regarded as a betrayal of a solemn trust for a body politic to convert offices contemplated under the Civil Service law into sinecures or pension places."

The Civil Service Act does not provide that when a municipal corporation proposes to reduce its working force by the abolition of certain positions in the interest of efficient and economical administration, that the employes thus affected shall be entitled to notice and an opportunity to be heard in relation to such a proceeding. The case before us does not fall within the provisions of the Civil Service Act.

Nor does the Veteran Act protect such of the appellants as are honorably discharged Union soldiers, as the abolition of their positions is not shown to be illusory and appears to be *bona fide*. *Stivers v. Jersey City*, 41 *Vroom* 606. See, also, *Beirne v. Jersey City*, 31 Id. 109; *Harker v. Bayonne*, ante p. 176.

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Those who are sought to be protected by the Board of Works, Tenure of Office Act (Pamph. L. 1910, p. 40) are in no better position. That act provides that no employe of a municipal board of street and water commissioners who shall have been in such employ continuously for a space of five years shall be removed, discharged or reduced in pay or position, except for inefficiency or other just cause, until he shall have been furnished with a written statement of the reasons for such removal, discharge or reduction, and shall have been given a reasonable time to make written answer thereto, nor until the charge or charges shall have been examined into and found true in fact, upon reasonable notice and an opportunity to be heard. This, it will be seen, is practically the same protection which is afforded by the Civil Service Act. For the reason that the Civil Service Act does not apply, the Board of Works Tenure of Office Act does not apply.

We have examined the other grounds of appeal and find them to be without merit.

The judgment under review will be affirmed, with costs.

For affirmance—The Chancellor, Chief Justice, Trenchard, Parker, Bergen, Voorhees, Kalisch, Bogert, Vredenburg, Congdon, White, Terhune, Heppenheim, JJ.—13.

For reversal—None.

On Rule to Show Cause why a Peremptory Mandamus Should Not Issue.

Before Justices TRENCHARD and KALISCH.

For the relator, *Richard Doherty*.

For the respondent, *Boyd MacLean* and *William D. Edwards*.

The opinion of the Court was delivered by
KALISCH, J.

The relator was an assistant clerk in the office of the Board of Taxation of Hudson county. He had been in the employ of the board in the same capacity since 1906. For some time prior to the dismissal of the relator from his clerkship, the board, it seems, had under consideration the great cost of conducting its business and for the purpose of reducing the expenses and in the interest of an economical administration of the office, and at the same time having due regard to the maintaining of efficient and proper service, decided to dispense with the services of some of its clerks. The board had a clerical force consisting of eight or nine clerks at an annual expense of sixteen thousand dollars. Its first step was to request the board of chosen freeholders of Hudson county that the appropriation going into effect December 1, 1911, be reduced by the amount of fifty-one hundred dollars, and subsequently, on July 1, 1911, the Board of Taxation, by resolution, directed that the services of three of its clerks, one of whom was the relator, should be dispensed with from and after August 1, 1911.

The Board of Taxation in justification of its action contends: First, that the relator is not within the provisions of the Civil Service law of this State; section 11 of that law provides: "The classified service shall include all persons in the paid service of the State or the municipalities thereof that may adopt the provisions of this act, not included in the unclassified service." Comp. Stats., p. 3799. Hudson county had not at the time of the employment or dismissal of the relator adopted the act; and it is further contended the relator was not in the paid service of the State.

There is no merit in the claim that the relator was not in the paid service of the State. The mere fact that the county paid him his salary does not, according to the reasoning in *Pierson v. O'Connor*, 25 *Vr.* 36, make him less a person in the paid service of the State.

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Second. It is claimed that the testimony shows that the relator was not discharged nor removed, but that his office was abolished for the purpose of economy.

A fair reading of the testimony seems to bear out this claim. It was not the design of the Civil Service law to perpetuate offices regardless of the fact whether they were needed or not. The very spirit of good government intends that useless offices drawing revenue from a municipality or State should be abrogated, and it would be regarded as a betrayal of a solemn trust for a body politic to convert offices contemplated under the Civil Service law into sinecures or pension places.

The testimony satisfies us that the relator's office was abolished for the purpose of economy and without any discrimination on account of politics but in good faith, and hence was justifiable.

It is further to be observed that the action of the county board, recommending to the finance board that the appropriation be cut down to the amount of the annual salaries of the three clerks dismissed, is strong evidence of good faith on the part of the Board of Taxation to get rid of unnecessary expense and is almost a conclusive answer to the relator's claim that he was improperly removed or discharged.

The rule to show cause will be discharged.

A Person who has been Retired on a Pension Cannot be Re-instated Without Being Subject to the Civil Service Act.

NEW JERSEY SUPREME COURT.

JOHN H. MORRIS,
Prosecutor,
vs.
THE BOARD OF COMMISSIONERS OF
JERSEY CITY AND JOHN SWEENEY. }

JERSEY CITY, N. J., July 14th, 1914.

SWAYZE, J.

This is a certiorari removing an order reinstating Mr. Sweeney as a Captain of the Fire Department of Jersey City. It appears that he was retired some years ago under the Pension Act for disability, and afterwards he was reinstated without any proceedings under the Civil Service Law, and it is urged that the attempt to reinstate him without an examination as required by the Civil Service Act was illegal. It turns upon whether his retirement put him out of his position and made him a pensioner, or whether he still remained liable to be restored to duty. I cannot understand how a man who is physically incapacitated in one year and retired on a pension can afterward be reinstated to his same position without being subject to the Civil Service Act. I think, therefore, that the action in reinstating him was contrary to law. The only trouble I have in the case is whether Mr. Sweeney was made a party to this writ. The brief on the part of the prosecutor is endorsed with his name as defendant; the brief on the other side states that he has not been made a party. The original return was before me, and on that original return he does not seem to have been made a party, although his name is endorsed on the writ. It may have been served upon him; I am not sure. If it has been served upon him, then a judgment may be entered setting aside the offer of reinstatement. If it has not been served upon him, he is entitled to a hearing, and no judgment will be entered until he is brought into court and given an opportunity to be heard on his own behalf. It is quite likely he trusted to the action of the Board of Commissioners and the City Attorney, and if so, the judgment may be entered. At present no judgment will be entered until I am satisfied that he has been given a chance to be heard.

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The Members of the Commission in Municipalities Operating Under the Walsh Act are the Sole Principal Executive Officers.

NEW JERSEY SUPREME COURT.
February Term, 1915.

MARY FEENEY
vs.
CIVIL SERVICE COMMISSION. }

Argued February 18, 1915.
Decided June, 1915.
On rule for mandamus.
Before Justices SWAYZE, PARKER and KALISCH.
John Bentley, for the rule.
Herbert Boggs, Assistant Attorney-General, opposed.

PER CURIAM.

The facts and the question involved are thus stated in the brief of counsel for the rule:

Jersey City has adopted the provisions of the so-called "Walsh Act," Chapter 221, Laws of 1911. The present members of the Board of Commissioners of that city were elected on the 10th day of June, 1913, and were organized under said act on the 17th day of June aforesaid. On the day last mentioned George F. Brensinger, one of the members of the said Board, was elected or appointed by the said Board of Commissioners to be Director of Revenue and Finance, and at the same time was elected or appointed, by the said Board, Treasurer of Jersey City, Comptroller of Jersey City and City Collector of Jersey City. Subsequently the said George F. Brensinger appointed one Joseph F. S. Fitzpatrick to be his private secretary, and the said Fitzpatrick has ever since, and still is, such private secretary to the said Brensinger as Director of Revenue and Finance. Subsequently, on the 29th day of October, in the year 1914, the said Board, declaring that there was necessity for a confidential stenographer to the said Brensinger as City Comptroller, appointed the Relator such stenographer. The City Clerk of Jersey City certified such last-mentioned appointment to the Board of Civil Service Commissioners. The Civil Service Commissioners declined to consider the said relator as being in the exempt class under the provisions of the so-called Civil Service Law (P. L. 1908, p. 235). The said Civil Service Board has also refused to certify the name of the said relator for payment as provided for in the twenty-sixth section of the said Civil Service Act, and it is under this twenty-sixth section that she now makes her application for a writ as authorized and directed therein.

The theory of the relator is that her appointment is valid, and that she is entitled to payment as an appointee coming within the fourth subdivision of the thirteenth section of the Civil Service Act as a stenographer to a principal executive officer, to wit, the Comptroller of Jersey City.

The statute provides that one private secretary, or clerk, or stenographer of such principal executive officer shall be included in the exempt class. We think the Treasurer, Comptroller and Collector of Jersey City are not principal executive officers. Section 4 of the Commission Government Act expressly enacts that the Board of Commissioners shall have and possess all administrative, judicial and legislative powers now had and possessed and exercised by the Mayor and City Council and all other executive or legislative bodies in the city and have complete control over the affairs of the city. If this office of Comptroller can be said to exist, still he is obviously a mere employe of the commissioners and no longer a principal executive officer.

The rule must be discharged, with costs.

APPENDIX IV.

Civil Service Rules.

NOTE.—As the law is very comprehensive and detailed, many of its more specific provisions are reprinted in the rules under the heading to which they refer. The rules prepared by the Commission are numbered. The provisions of the law are designated by letters of the alphabet.

RULE I.

CLASSIFICATION.

(a) The civil service of the State of New Jersey, and of the municipalities thereof when and as they may adopt the provisions of this act in the manner hereinafter provided, shall be divided into the Unclassified Service and the Classified Service. (Section II.)

(b) The Unclassified Service shall not be subject to any of the provisions of this act, and shall include the following classes:

All officers elected by popular vote;

All officers appointed by the Governor, with or without the advice and consent of either or both branches of the Legislature;

All officers and employees appointed by either or both branches of the Legislature;

All election officers;

All heads of departments of the State government, and members of commissions and boards thereof, and all appointments of the mayor; and also all heads of departments the members of commissions and boards elected by the board of aldermen, common council, or other governing body of the municipalities that may adopt the provisions of this act;

All law officers of any municipality that may adopt the provisions of this act;

All officers and persons in the militia (Amended, Ch. 195, P. L. 1910 to);

All officers, non-commissioned officers, enlisted men and other persons employed in the military or naval service of the State;

All superintendents of, teachers and instructors in the public schools and State institutions, county superintendent and members of all boards of education, all police magistrates appointed by the mayor or other head officer of any municipality that may adopt the provisions of this act. (Section II.)

(c) The Classified Service shall include all persons in the paid service of the State or the municipalities thereof that may adopt the provisions of this act not included in the Unclassified Service. (Section II.)

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(d) The officers, positions and employments in the Classified Service of the State, and of the municipalities thereof that may adopt the provisions of this act, shall be arranged by the Civil Service Commission in four classes, to be designated as the Exempt Class, the Competitive Class, the Non-Competitive Class and the Labor Class, which classification may be changed from time to time as the Commission shall deem proper. (Section 12.)

RULE II.

EXEMPT CLASS.

(a) The following positions shall be included in the Exempt Class:

The deputy or first assistant of principal executive officers authorized by law to act generally for and in the place of his principal;

The legal assistants of the law departments of the State, and of the municipalities adopting the provisions of this act, and in the offices of prosecuting attorneys to the number actually engaged in trial or appeal work and appearing in the courts;

One secretary or clerk of each department, appointed board and commission authorized by law to appoint a secretary or clerk;

One private secretary or clerk, or stenographer, of each judge or each principal executive officer;

All officials of State and county institutions who must of necessity be physicians;

In addition to the above there may be included in the exempt class all other offices or positions, except laborers, for the filling of which competitive or non-competitive examinations shall be found by the Civil Service Commission to be impracticable. But no office or position shall be deemed to be in the Exempt Class unless it is specifically named in such class in the rules, and the reasons for each such exemption shall be stated separately in the annual reports of the said Commission. Not more than one appointment shall be made to or under the title of any such office or position unless a different number is specifically mentioned in the rules. After six months from the date of the approval of this act, or forty-five days after the date of its adoption by any municipality of this State, no office or position shall be classified by the Commission in the Exempt Class except after public hearing by the Commission or any member thereof. Suitable public notice of such hearings shall be given by the said Commission. At any such hearing any citizen of this State shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption. Appointments in the Exempt Class may be made without examination. (Section 13.)

(1) A request that, in accordance with Clause 6 of Section 13, a position be included in the exempt class shall be made in the form prescribed by the Commission, and shall set forth in detail the true grounds on which it is based. A public hearing shall then be set of which the Commission shall give at least one week's notice by mailing notices to the daily papers in the State, or in the municipality if the position is in a municipal service. (Amended October 25, 1910.)

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(2) The positions in the exempt class in each department or office shall be those only which are specifically named in Schedule A, which is hereby made a part of this rule, or which may hereafter, by action of the Commission, in accordance with the provisions of the law and of this rule, be included therein.

RULE III.

COMPETITIVE CLASS.

(a) The Competitive Class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations, and shall include all positions and employments now existing or hereafter created, of whatever functions, designations or compensation, in each and every branch of the classified service, except such positions as are in the exempt class, the non-competitive class or the labor class. Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction, under the provision of this act and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer in accordance with the provisions of section twenty-one of this act. (Section 14.)

(1) All positions in the competitive class shall be arranged in groups based upon the character of the service rendered, as follows:

Group A. *Clerks*, which term shall include all positions, the duties of which are of a clerical character, and which are not otherwise specifically provided for herein.

Group B. *Cashiers*, which term shall include all positions the duties of which are the actual receipt, custody or disbursement of money or the enforcement of the accountability for the same.

Group C. *Custodians and Messengers*, which term shall include all positions the duties of which are the charge of property or persons or as attendants.

Group D. *Engineers*, which term shall include all positions where qualifications of an engineering or cognate character are required.

Group E. *Inspectors*, which term shall include all positions the duties of which are the inspection of materials or workmanship or the supervision of work.

Group F. *Special Agents*, which terms shall include all positions requiring investigative and detective ability.

Group G. *Law Positions*, which term shall include all positions requiring some legal knowledge.

Group H. *Medical Positions*, which term shall include all positions requiring medical or pharmaceutic knowledge.

Group I. *Mathematicians*, which term shall include all positions requiring special mathematical qualifications.

Group J. *Scientists*, which term shall include all positions requiring special scientific knowledge.

Group K. *Agriculturists*, which term shall include all positions requiring agricultural or horticultural knowledge, including arboriculture and the breeding and care of animals.

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Group L. *Instructors*, which term shall include all positions the duties of which are scholastic instruction or to educate or test the ability to instruct.

Group M. *Mechanics and Craftsmen*, which term shall include all positions requiring special mechanical skill, or as tradesmen not classified as laborers.

Group N. *Miscellaneous Positions*, which term shall include all positions requiring expert or other qualifications not embraced in the exempt or non-competitive classes, or in other groups in this class.

Group O. *Positions in the Uniformed Police Force*.

Group P. *Positions in the Uniformed Fire Force*.

(2) The omission in the above classification of any official designation or appellation of a position in the service shall not be held to exclude such position from the classification, as it will be comprised in the group and subdivision to which it belongs by the general definition and specifications of such group and subdivision.

(3) The Commission may further subdivide for the purpose of examination or promotion the positions in any group or subdivision.

RULE IV.

APPLICATIONS.

(a) All examinations required to be held by the provisions of this act both for positions in the competitive class and the non-competitive class, or any other class where examinations are required to be held, shall be free to all citizens of the State of New Jersey with the limitations specified in the rules of the Commission as to residence, age, sex, health, habits and moral character. (Section 18.)

(b) The Commission shall require persons applying for admission to any examination provided for under this act or under the rules and regulations of the said Commission to file in its office within a reasonable time prior to the proposed examination a formal application in which the applicant shall state under oath or affirmation:

Full name, residence and post-office address;

Nationality, age and the place and date of birth;

Health and physical capacity for public service;

Business and employments and residences for the five previous years;

Such other information as may reasonably be required touching the applicant's merit and fitness for the public service; but no inquiry shall be made as to any religious opinions and political affiliations of the applicant. (Section 19.)

(c) Blank forms for such applications shall be furnished by the said Commission without charge to all persons requesting the same. The said Commission may require in connection with such application such certificates of citizens, physicians or others having knowledge of the applicant as the good of the service may require. (Section 19.)

(1) No person shall be admitted to examination until he has filed an application under oath upon a form prescribed by the Commission, giving

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such evidence, in regard to age, citizenship, character, physical and mental capacity, previous employment, training and fitness as the Commission may require. All applications must be filled out and signed in the handwriting of the applicant, except that persons who are unable to write may have their applications filled out by some other person, but must have their name identified by their mark and said mark witnessed.

(2) Every application must bear the certificates of at least three reputable citizens to the effect that they have personally known the applicant; that they have read his statement and believe it to be correct; that they know him to be of good character and reputation, and that they will, upon request, give the Commission such further facts concerning him as they may possess.

(3) The Commission may fix the limits of time between which applications for a given examination shall be presented; but such period shall in no case be less than ten days.

(4) A defective application shall be returned for correction, and shall be accepted if returned in correct form before the date of examination.

(5) No application shall be accepted unless the applicant is within the age limitations fixed by the Commission for entrance to the position to which he seeks to be appointed.

(6) Where physical qualifications are necessary the Commission may require the applicant to file with his application a certificate of physical fitness from a reputable physician, or, in its discretion, may require the applicant to submit to examination before physical examiners appointed by the Commission.

(7) In applications for examination for positions requiring scientific, professional or technical qualifications, the Commission may require evidences of special education for, or of practical experience for a satisfactory term in, such science, profession, art or trade; and shall require the production of such certificates of competency and licenses as are provided by the statutes of this State as necessary to enable the practice of any profession, art or trade. (Adopted Oct. 6, 1908.)

(8) Applications when presented shall be dated, numbered and recorded in the order of their receipt.

RULE V.

COMPETITIVE EXAMINATIONS.

(a) Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications and health, and when appropriate, of manual skill. No question in any examination shall relate to political or religious opinions or affiliations. (Section 18.)

(b) The Commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable person or persons, either in or not in the official service of the State, to be examiners, and it shall be the duty of such examiners, and if in the official service it shall be part of their official duty, without extra compensation, to conduct such examinations

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as the Commission may direct and to make return or report thereof to said Commission; and said Commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the Commission may themselves at any time act as such examiners and without appointing examiners. (Section 18.)

(c) Such examinations shall be held in such locality or localities as will most readily provide equal opportunity for all citizens of the said State with reference to positions in the service of the State, or to all citizens of any municipality that may hereafter adopt the provisions of this act with reference to positions in the service of the said municipality. (Section 18.)

(d) Due and sufficient notice thereof being given in such manner that all persons interested in the said examinations may have an opportunity of learning of the time, place and conditions of the said examinations. Such notice of the time and place and general scope of every examination shall be given by the Commission, by publication, for two weeks preceding such examination, in such newspapers of general circulation throughout the State as the Commission shall prescribe, and such notice in printed form shall also be sent by the Commissioners to the county clerks of each county, and by them promptly posted in a conspicuous place in the clerk's office of the said county. (Section 18.)

(e) The said Commission may refuse to examine an applicant, or, after examination, to certify an eligible, who is found to lack any of the established preliminary requirements for the examination or position or employment for which he applies, or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks employment, or who is addicted to the habitual use of intoxicating liquors to excess, or who has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in securing his eligibility or appointment. Whenever the said Commission refuses to examine an applicant or after an examination, to certify an eligible, as approved by this section, then the said Commission, upon the request of such person, shall grant to him a hearing upon the cause of such refusal. (Section 19.)

(1) Written competitive examinations for positions in the State service shall be open to all citizens of the State who comply with the preliminary requirements, and who are not debarred by the Commission for sufficient cause in accordance with Section 19 of the Civil Service Law. Such examinations shall be held in Camden, Newark and Trenton, provided applications shall be received from those residing in portions of the State adjacent thereto, and in such other places as the Commission may, on account of the number of applicants from adjoining localities, deem it desirable. Examinations for the service of a municipality shall be confined to citizens having a residence in that municipality, except in case of positions of a technical or other character in which such restriction is impracticable. (Amended November 24, 1908, January 12, 1909, February 1, 1910, and August 4, 1915.)

(2) The Commission shall designate suitable persons in the localities in

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which examinations are held to act as local examiners, who shall perform such duties in connection with the examinations as the Commission or the Chief Examiner may require. When necessary, the Commission may also designate special or expert examiners and examining physicians to assist in the drawing up, conduct or marking of examinations.

(3) Examinations may include special oral, practical, medical and physical tests, which, in the case of the police or uniformed fire service, shall precede and in all other examinations may precede or follow the written examination, and shall be held at such places as the Commission may designate. Written records of all such tests in the case of each candidate examined must be filed. (Amended February 1, 1910.)

(4) As far as practicable, examinations shall be held periodically, and the dates of examinations published during the first week of the calendar year.

(5) All examinations shall be advertised for at least two weeks preceding the final date for the receipt of applications by at least three insertions in two newspapers of general circulation, in the State or municipality, as the case may be; by mailing notice to daily papers in the State or municipality, and by sending notices in printed form to the county clerks of all counties in the case of examination for positions in the State service, or of the county in which the municipality is situated, in the case of examinations for the service of a municipality, for posting in a conspicuous place, as well as by posting a copy in the office of the Commission. (Amended February 1, 1910, and October 25, 1910.)

(6) The notice of examination shall set forth in each case the title of the position, the time and place of examination, the date upon which the receipt of applications will close, the place or places where applications can be procured and filed, and such other information as the Commission may deem pertinent.

(7) The subjects of examination and the weight to be attached to each subject in marking shall be determined by the Chief Examiner, subject to the direction of the Commission. Each subject shall be marked upon a scale of 100, which shall represent the maximum possible attainment, and no person shall be placed upon the eligible list whose final average rating is less than 70 per cent., or whose rating on any one subject is less than 50 per cent.

(8) In preparing the questions to be used in an examination, the Chief Examiner may consult with the head of the department or with experts in regard to the duties of the position to be filled. But the questions actually to be used shall be kept absolutely secret in advance of the examination. The Chief Examiner, subject to the approval of the Commission, may prescribe such preliminary requirements for eligibility to any examination as the character of the position may demand. (Amended November 14, 1911.)

(9) Whenever a position has a fiduciary or executive character the Commission may require, as a part of the examination, such special certificates by reputable and responsible persons as to the character, trustworthiness and business experience of an applicant or eligible as it may deem proper.

(10) Before proceeding to answer the questions in the examination each competitor shall be required to fill out and sign a declaration sheet giving his full name and address and such other information as the Commission

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may require, and to seal the same in an official envelope. The envelope and the papers of the candidate shall be marked with an identical number. At the close of the examination the envelopes shall be placed in a sealed package and deposited in a safe, and the package shall not be opened for identification of the papers until the marking on all the papers has been completed. Any paper bearing the name of the candidate, or any other identification mark, shall be rejected, and specific announcement of this fact shall be made at the commencement of the examination.

(11) Upon the completion of the marking each candidate shall receive notice of his rating, and shall, on application, subject to the regulations of the Commission, be permitted to see the eligible list and inspect his paper.

(12) No request for a review of the markings shall be entertained by the Commission unless made within eight days of the date when the notice as to the standing of the candidate is sent out, and no change in rating shall be made unless some manifest error shall appear on the face of the papers. No person shall be allowed to inspect his papers for the purpose of having a review made of the markings unless such inspection is made within the said eight days, nor shall any re-rating be made by the Commission unless the specific reasons therefor shall be clearly set forth in writing and presented to the Commission within the aforesaid eight days.

After an examination requiring a medical test, before the rating of those who pass are announced, those who have failed to pass the medical test shall be notified of that fact, and the reasons therefor, and shall be informed that they have five days in which to ask for a re-examination. If their request is supported by an affidavit of a reputable physician to the effect that he believes an error to have been made in the examination, the Commission shall consider and deal with such request at its discretion, and the ratings of the eligible list shall not be published until a suitable period of time for the disposition of such requests has elapsed. In no case will a re-examination be given in height and weight. (Amended February 1, 1910.) (Amended September 12, 1911.) (Amended June 10, 1914.) (Amended May 12, 1915.) (Amended February 18, 1916.) (Amended October 3, 1916.)

RULE VI.

ELIGIBLE LISTS.

(a) From the returns or reports of examiners, or from the examinations made by the Commission, the Commissioners shall prepare a register for each grade or class of positions in the classified service of the State, or of any municipality that may hereafter adopt the provisions of this act, of the persons who shall attain such minimum mark as may be fixed by the Commission for any part of such examination and whose general average standing upon examination for such grade, or class is not less than the minimum fixed by the rules of said Commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination; *provided, however*, that if any honorably discharged soldier, sailor or marine having served in

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the War of the Rebellion shall be among those whose names are placed on such register, such soldier, sailor or marine shall be considered as standing highest in rank thereon, and if two or more names of such soldiers, sailors or marines shall be found on said register, they shall rank as to each other according to their relative excellence as determined by said examination. (Section 20.)

(b) The term of eligibility of an applicant shall be fixed for each list by the Civil Service Commission at not less than one or more than three years. Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which appointment may be made. (Section 14.)

(1) The names of all candidates who fulfill all the requirements and receive a final average rating of 70 per cent. or over in the examination, and not less than 50 per cent. in any one subject, shall be placed upon the proper eligible list in the order of their standing in the examination, except that veterans of the War of the Rebellion who present evidence of their honorable discharge shall, in the order of their standing, be placed at the head of the list. Against each name shall be noted the date of examination, the date on which the name was entered on the list and the average rating.

(2) When two or more eligibles have received the same average rating, the person first filing his application, or if the examination be for promotion, the first appointed in the department, shall have priority.

(3) A name shall be removed from the eligible list at the expiration of two years for positions in the competitive class and at the expiration of one year for positions in the labor class, unless in the judgment of the Commission it is advisable that the names of all those on any one list whose eligibility would expire at the same time should be continued on the list for a further period. (Amended May 17, 1910.) (Amended January 7, 1913.)

RULE VII.

CERTIFICATION AND APPOINTMENT.

(a) The head of a department, office or institution in which a position classified under this act is to be filled shall notify said Commission of that fact, stating the title or name of the position to be filled, the duties to be performed and the compensation to be paid, and said Commission shall certify to the appointing officer the names and addresses of three candidates standing highest upon the register for the class or grade in which the said position belongs, and the head of such department, office or institution shall select one of the three so certified, and after a candidate has been certified three times by the Commission and shall not be accepted by the head of department, office or institution, his name shall not again be certified to the same head of department, office or institution except at the request of such head of department, office or institution. In making such certification sex shall be disregarded, except when some statute, the rules of the said Commission, or the appointing power shall specify sex. (Section 21.)

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(b) All appointments and promotions to positions in the competitive, non-competitive and labor classes of the classified service shall be for a probationary period of three months. If, at the close of this probationary term, the conduct or capacity of the probationer has not been satisfactory to the appointing officer the probationer shall be notified in writing that he will not receive absolute appointment; otherwise his retention in the service shall be equivalent to his final and absolute appointment. (Section 17.)

(c) No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall be assigned to perform the duties other than those properly pertaining to the position which he legally holds. (Section 14.)

(d) When any position to be filled involves fiduciary responsibility, the appointing officer may require the appointee to furnish a bond, or other security, in lieu thereof, and shall notify the Commissioner of the amount of said bond required; *provided, however*, that any surety company of this State, or any surety company of any other State of the United States authorized to transact business in this State, shall be a sufficient surety on any such bond. (Section 19.)

(1) A requisition by the head of a department for the certification of eligibles from which he may make appointment shall state specifically the title and duties of the position to be filled, the compensation to be paid and whether the position is to be filled permanently or for a temporary period.

(2) The Commission in making certification in response to such requisition shall give the full name and address and the average rating obtained in the examination of the three persons standing highest upon the most appropriate list and shall immediately notify such persons of such certification and the title and salary of the position to be filled.

(3) The appointing officer shall make selection, with reference solely to merit and fitness, from the three names certified, unless objection shall be made, and sustained by the Commission, to one or more of the persons named for any of the reasons stated in section 19 of the Civil Service Law (Rule V), in which case the certification shall be completed by the addition of the name or names next following upon the eligible list. If there be more than one vacancy to be filled, certification and selection shall be made for each vacancy in the same manner.

(4) The person selected shall be duly notified by the appointing officer, and upon accepting and reporting for duty, shall receive from such officer a certificate of appointment for a probationary period of three months. If his conduct or capacity on probation is unsatisfactory to the appointing officer, the probationer shall be notified in writing at least two weeks in advance that at the end of such period he will, for that reason, not be retained; otherwise his retention in the service shall be equivalent to his final and absolute appointment.

The name of any dismissed probationer will be reinstated to his former place on the eligible list for future certification, provided the reasons for the dismissal while on probation are not such as to warrant the name being stricken off the eligible list. (Amended February 1, 1910.)

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Every officer under whom any probationer shall serve during any part of his probation shall carefully observe the quality and value of the services rendered by such probationer, and his conduct, and if so required shall report in writing to the proper appointing officer the facts observed by him, showing the character and qualifications of such probationer, and of the service rendered by him, and such reports shall be preserved on file. (Adopted Oct. 6, 1908.)

Whenever two or more persons appointed from the same eligible list are serving as probationers in the same department, and there is necessity for a reduction of the force of such department affecting such persons, they shall be preferred for retention in the order of their original standing upon such list. (Adopted Oct. 6, 1908.)

(5) In case an eligible certified for appointment on probation shall decline appointment, without stating a satisfactory reason for such declination, his name shall be stricken from the list. If the declination is on account of the amount of salary, the eligible shall not be again certified for the same locality or for the same or less salary. (Amended February 1, 1910.)

(6) When an eligible certified for appointment shall fail to accept an offer of appointment by mail within six business days next succeeding the mailing of notice of appointment, or within the same or next succeeding business day when the notification is sent by telegram, he shall be deemed to have declined the appointment.

(7) If a person who is not entitled to certification is appointed, his appointment, upon due notification from the Commission, shall be revoked.

(8) Whenever a vacancy exists in a position in the competitive class, and an open competitive examination duly advertised does not result in an eligible list for such position, the head of the office may nominate a person to the Commission for non-competitive examination, and if such nominee shall be certified by the Commission as qualified, he may be appointed to fill such vacancy. In case there is a person serving in such a position under provisional examination, and no one applies to compete with him in an open competitive examination duly advertised, the provisional appointment of such person may be made permanent. (Adopted Oct. 6, 1908.)

RULE VIII.

SEASON, TEMPORARY AND EMERGENCY APPOINTMENTS.

(a) Nothing contained in this act shall be construed to prohibit the head of any department, office or institution of this State or of any municipality thereof adopting the provisions of this act employing temporarily, subject to the subsequent approval of the Commission, in cases of emergency, a person or persons to carry out the work of such department, office or institution, but the head of such department, office or institution, upon employing any such person or persons shall immediately give notice thereof to the Commission created by this act, and as soon thereafter as practicable a person shall be selected in accordance with the other provisions of this act, whereupon the services of the person or persons so temporarily employed shall cease. In no case shall such employment continue for a longer period than two months, nor

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shall successive temporary appointments be made to the same position under this provision. (Section 29.)

(1) All positions in the competitive class, where the nature of service is such that it is not continuous through the year, but recurs in each successive calendar year, shall be designated as seasonal positions. Any person originally appointed to or employed in a seasonal position, under the provisions of these rules, and who has been temporarily separated from the service by the expiration thereof in any year, shall be entitled to re-appointment to or re-employment in the same position in the next ensuing year, in the order of the date of his or her original appointment or latest promotion in the several grades, provided that in the meantime such person is not disqualified for any cause. (Adopted Oct. 6, 1908.) (Amended July 6, 1915.)

(2) When services are to be rendered of a temporary character, and for a definite period not exceeding six months, the appointing officer shall inform the Commission, stating the duration of such period, the rate of compensation and other conditions of employment, and may select for such employment one of the first three persons on the appropriate eligible list who, after due notice of the conditions, is willing to accept certification therefor; but successive temporary appointments shall not be made under this clause, nor shall any person be eligible for temporary employment if he has served under temporary appointment in the same department, office or institution within the previous three months. Neither acceptance nor declination of any such temporary employment shall affect the right of an eligible to certification for regular appointment; nor shall acceptance confer any of the rights of promotion, transfer or reinstatement.

RULE IX.

SUSPENSION AND REINSTATEMENT.

(a) Any person holding an office or position under the Classified Service who has been separated from the service without any delinquency or misconduct on his part, but owing to reasons of economy or otherwise, may be reinstated within two years from the date of such separation to the same or similar office or position in the same department; and whenever any permanent office or position in the Classified Service is abolished or made unnecessary, the person or persons legally holding such office or position shall be deemed to be suspended without pay, and the names of such persons shall, on due notification from the appointing officer, be placed by the Commission on a special list, and for a period of two years from the date of the abolishment of such office or position the person who held the same shall be entitled to reinstatement in any office or position of the same or similar kinds as that previously abolished, and the names of all such persons when an office or position is to be filled of a character the same or similar to that previously held by them, shall be certified by the Commission to any appointing officer when such appointing officer shall make known to such Commission, in the manner designated in this act, the office or position to be filled. (Section 23.)

(1) The names of persons suspended without pay, and entitled to reinstatement in accordance with the provisions of Section 23, shall be placed on

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special lists in accordance with the duties performed by such persons in the positions from which suspension is made in the order of the dates of their original appointment to the Classified Service. Whenever a vacancy occurs in a position for which any special list is appropriate, certification shall be made therefrom for reinstatement, in preference to certification from any other list until such special list is exhausted. (Amended December 22, 1911.) (Amended January 28, 1913.) (Amended August 19, 1913.)

Whenever positions are abolished for reasons of economy, the position of the person or persons shown to be least efficient in the class and grade, as shown by the efficiency records, in which the reduction of the force is to be made, shall be abolished. When the efficiency records shall show no difference in the relative efficiency of the employes, the positions of those most recently appointed shall be the first to be abolished. (Amended February 20, 1917.)

RULE X.

TRANSFER.

(a) With the consent of the Commission, a person holding an office or position in the Classified Service may on his own request, be transferred to a similar office or position in another office, department or institution, but no transfer shall be made from an office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by this act, or the rules adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original entrance to an office or position held by such person. (Section 23.)

(1) No transfer shall be recognized until the Commission has approved it as in accordance with law and the provisions of these rules, and no transfer shall be made to a position which, in the opinion of the Commission, can be adequately filled by promotion.

(2) A person holding a position in the competitive class who did not enter the service by qualifying in an open competitive examination may be transferred to a similar position in the same group and grade, provided he has served continuously for at least three years in a position in the same group and three months in the same grade as that from which transfer is proposed. (Adopted October 6, 1908, amended August 30, 1910.)

RULE XI.

PROMOTION.

(a) Vacancies in positions in the competitive class shall be filled, so far as practicable, by promotions from among persons holding positions in a lower grade in the department, office or institution in which the vacancy exists. Promotions shall be based upon merit, to be ascertained by examinations to be provided by the Commission, and upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority and experience. For the purposes of this section an increase in

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the salary, or other compensation of any person holding an office or position within the scope of the rules prescribed by the Commission, beyond the limit fixed for the grade in which such office or position is classified, shall be deemed a promotion. No person shall be promoted to a position for original entrance to which there is required by this act, or the rules adopted pursuant thereto, an examination involving essential tests or qualification different from or higher than those required for original entrance to the position held by such persons except as provided above. (Section 22.)

(1) A change in rank or grade shall constitute promotion. A material change in duties and responsibilities shall be deemed a change in rank and an increase in salary beyond the limits fixed for the grade by Clause 8 of this rule shall be deemed a change in grade.

(2) Vacancies in position in the competitive class above the lowest rank or grade, so far as practicable, be filled by promotion from among persons in the same department, office or institution who have held positions for at least six months, but in police and fire departments for at least twelve months, in the next lower rank or grade. (Amended Oct. 25, 1910.)

(3) Promotion shall be based on competitive mental examination, and the comparative efficiency, character, conduct, and seniority and experience in service of the candidates for promotion.

(4) The departments, offices and institutions subject to the provisions of the Civil Service law are hereby required to establish and maintain efficiency records for each employe holding a position in the competitive class, showing the quantity of work performed, the quality of work performed, aptitude and capacity of initiative, punctuality and attendance, and character and habits so far as they affect efficiency or trustworthiness. Such records shall also give a list of all fines and penalties imposed and all commendations bestowed. The Commission shall furnish blank efficiency records upon which the entries shall be made by the immediate chief of the employe to be rated. In the first week of January of each year the head of the department, office or institution shall certify and transmit to the Commission a transcript or summary of such records for the preceding year. An employe's record shall be open to his inspection under proper supervision.

Whenever the efficiency records of any department do not appear to show the true relative efficiency of the various employes in any office, the Commission shall make an investigation to determine the facts in relation to the same, and shall examine the officers, clerks and employes, and inquire into office records, books, etc., in accordance with the provisions of Section 8, subdivision 3 of the Civil Service Law, and chapter 129 P. L. 1916. (Amended February 20, 1917.)

Whenever positions are abolished for reasons of economy, the position of the person or persons shown to be least efficient in the class and grade, as shown by the efficiency records, in which the reduction of the force is to be made, shall be abolished. When the efficiency records shall show no difference in the relative efficiency of the employes, the positions of those most recently appointed shall be the first to be abolished. (Amended February 20, 1917.)

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(5) In order to be eligible for any promotion a person must have served continuously for the six months, but in police and fire departments for at least twelve months, immediately preceding such promotion in a position in the next lower grade and in the same group, in the same office, department or institution in which the promotion is to be made. If there are less than three persons who have so served in the next lower grade in the same group, or if all such persons fail in any promotion examination, then all persons who have so served in the second lower grade of such group shall be eligible to promotion. The Commission may in any case extend eligibility for promotion to the incumbents of any of the following classes of positions; first, persons who for more than six months, but in police and fire departments for at least twelve months, have served in any of the lower grades in the same group in the same office, department or institution; second, persons who for more than six months, but in police and fire departments for at least twelve months, have served in another group, but in a similar position in the same office, department or institution; third, persons who for more than six months, but in police and fire departments for at least twelve months, have served in the same or another group, but in a similar position, in other offices, departments or institutions; provided, however, that no persons in any of the three classes of positions before mentioned shall be eligible to promotion unless the Commission shall find that the nature of the duties of the positions held by such persons are such as naturally and properly fit them to perform the duties of the position to which they seek promotion as fully as the duties of the persons holding positions in the next two lower grades in the same group in the office, department or institution in which promotion is to be made; but no person shall be eligible to promotion who lacks any of the preliminary requirements for original entrance to the position to be filled by promotion. (Adopted Oct. 6, 1908.) (Amended Oct. 25, 1910.)

(6) Whenever there are not more than three persons eligible to any promotion the appointing officer may nominate one of such eligible persons who may be promoted upon passing the required examination; but no examination shall be required for promotion to the next higher grade in such a case (i) when the person promoted has qualified in an open competitive examination and his name is upon the appropriate eligible list for the position to be filled in force at the time of the promotion; (ii) when the promotion is a mere increase in salary without any change whatever in the duties of the person promoted; (iii) when such person entered the service through open competitive examination if there is not required for original entrance to the position to which promotion is sought an examination involving essential tests or qualifications different from or higher than those required for original entrance to the position held by such person. (Adopted October 6, 1908.)

(7) In cases where distinct open competitive examinations are customarily held and eligible lists maintained for several grades in the same group, persons who successfully compete in such examinations for grades to which they are eligible to promotion under this rule shall be preferred in certification from the resulting eligible lists over persons not eligible to promotion. (Adopted October 6, 1908.)

(8) Whenever there are more than three persons eligible to any promotion the Commission shall hold a competitive examination of those eligible to

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said promotion and shall cause notices of the same to be posted conspicuously in the office or institution wherein the promotion is to be made and to be mailed to those eligible to the promotion. (Adopted Oct. 6, 1908.)

(9) The Commission shall send to each person entitled to compete for promotion an application blank, upon which the candidate shall state in full his experience in the service, and before entering the service, qualifying him to enter the examination. Such application shall be signed and sworn to and may be given such weight, as supplementing the efficiency record, as the Commission shall see fit.

(10) If the vacancy to be filled is in a position in Grades 5, 6 or 7, the Commission may, if it deems that, on account of the executive ability required to fill the position, promotion by competitive examination is impracticable and not for the best interests of the service, hold an original competitive examination without regard to the number of persons in the next lower rank or grade.

(11) Examinations for promotion shall be held at such times and places as the Commission shall designate. Eligible lists shall be drawn up and requisition, certification and appointment made in the same manner as prescribed for original appointment in Rules VI and VII.

(12) The grades for all departments, offices or institutions, except as otherwise specified in these rules, shall be the following:

Grade 1. All positions, the compensation of which is at the rate or not more than \$360 per annum.

Grade 2. All positions, the compensation of which is at the rate of more than \$360 and not more than \$600 per annum.

Grade 3. All positions, the compensation of which is at the rate of more than \$600 and not more than \$1,000 per annum.

Grade 4. All positions, the compensation of which is at the rate of more than \$1,000 and not more than \$1,500 per annum.

Grade 5. All positions, the compensation of which is at the rate of more than \$1,500 and not more than \$2,000 per annum.

Grade 6. All positions, the compensation of which is at the rate of more than \$2,000 and not more than \$2,500 per annum.

Grade 7. All positions, the compensation of which is at the rate of more than \$2,500 per annum.

In determining the rate of compensation for the purposes of this rule, full maintenance in institutions shall be valued at \$150 per annum.

(13) Employees paid according to piece work shall be considered as not graded. (Adopted June 30, 1908.)

(14) In case a statute, or an ordinance, or fixed rule adopted prior to December 1, 1908, provides for a stated increase of salary automatically after a certain term of service, in a police or fire department, the promotion in grade which may thus be effected shall be permitted without examination. (Adopted November 24, 1908.)

(15) On request of the appointing officer, for satisfactory cause expressed in writing to the Commission, a promotion may be made on examination for a probationary period of three months on conditions identical with those of original appointments as set forth in Rule VII (b). In such case the new

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appointee taking the place of the person thus promoted shall be regarded as the temporary appointee under the provisions of Rule VIII (2), but if the promotion shall, at the end of the period, be made permanent, then the service of the new appointee shall be held to have been probationary, and that appointment shall also be made permanent. (Adopted November 24, 1908.)

RULE XII.

REMOVAL AND REDUCTION.

(a) No officer, clerk or employe in the Classified Civil Service shall be removed, discharged, reduced in pay or position or otherwise discriminated against because of his religious or political opinions or affiliations. Further, no officer, clerk or employe holding a position in the Competitive or Non-Competitive Class of the Classified Civil Service shall be removed, discharged or reduced, except as provided in section seventeen of this act as to probationers, until he shall have been furnished with a written statement of the reasons for such action and been allowed a reasonable time in which to make written answer thereto. In every case of such removal, discharge or reduction a copy of the statement or reasons therefor and of the answer thereto shall be furnished to the Civil Service Commission, and entered upon the records of said Commission and upon the records of the department or office in which the discharged, removed or reduced person was or is employed. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days; *provided, however*, that successive suspensions are not to be allowed. (Section 24).

(1) The officer or board appointing a person sought to be removed shall formulate charges and specifications in writing against such person, and shall allow a reasonable time in which to make a written reply or plea thereto, and both the charges and specifications, the reply and the pleading thereto, with the consequent action of the appointing officer thereon, shall be at once forwarded to the Civil Service Commission for review and such action as it may deem necessary in the case.

(2) If in the opinion of the Commission the provisions of the law do not appear to have been fully complied with, or if an affidavit that they have been violated shall be presented, it shall fix a time and place for a hearing of the case, of which written notice shall be served upon the appointing officer and the person sought to be removed, at least five days prior to the hearing. At the hearing the respective parties may be represented by counsel, and the Commission shall hear witnesses and receive all other evidence produced, and determine the case upon such evidence as may be presented. (Amended December 22, 1911.)

RULE XIII.

SPECIAL PROVISIONS AFFECTING THE POLICE AND FIRE SERVICES.

(1) Before admission to an examination for the police or the fire service, each applicant therefor, whose application has been accepted, shall be subjected to medical and physical tests having reference to (i) measurements of weight, height and chest expansion and mobility; (ii) sight and hearing; (iii) condition of hands, feet and joints of all limbs; (iv) general organic condition; (v) habits as to the use of stimulants and narcotics; and (vi)

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previous condition of health. The medical and physical examiners shall report to the Commission in writing the results of such tests upon blank forms provided by the Commission, and no applicant shall be admitted to the examination who is not certified by them to be qualified and sound in each of the aforesaid particulars. (Adopted September 25, 1908.)

(2) The relative measurements required shall be as follows:

POLICE SCHEDULE.

<i>Height.</i>	<i>Minimum Weight.</i>	<i>Maximum Weight.</i>	<i>Minimum Circumference of Chest, Quiescent.</i>	<i>Minimum Mobility.</i>
5 ft. 8 in.	145 lbs.	185 lbs.	35 in.	2½ in.
5 " 9 "	150 "	190 "	35½ "	2½ "
5 " 10 "	155 "	195 "	36 "	2½ "
5 " 11 "	160 "	205 "	37 "	2½ "
6 " "	165 "	210 "	37½ "	3 "
6 " 1 "	170 "	215 "	38 "	3 "
6 " 2 "	175 "	225 "	39 "	3 "
6 " 3 "	180 "	230 "	40 "	3 "
6 " 4 "	185 "	235 "	41 "	3½ "
6 " 5 "	190 "	245 "	42 "	3½ "

An increase not to exceed 20 pounds may be allowed in each maximum weight prescribed above; provided, however, that in each and every case where an increase is allowed the applicant must be muscular and vigorous and not obese, and his abdominal measurement, at rest, in normal position, over the umbilicus (tape line snug but not tight), must not exceed his chest measurement, at full expansion over the nipples, and also an applicant who may fully comply with the figures above as to height and weight may be rejected if general adiposis, or any tendency thereto, be a physical characteristic. Provided, that any variations from the prescribed schedule shall be determined by the medical examiner after a careful measurement of the chest and abdominal circumferences of the applicants and comparison of same with the height and weight as fixed by the schedule.

Provided that in cities of less than the first class a reduction of ¼" in the prescribed height may be permitted if necessary to secure sufficient candidates who would be otherwise eligible to enter the examination. (Amended December 22, 1911.)

FIRE SCHEDULE.

<i>Height.</i>	<i>Minimum Weight.</i>	<i>Maximum Weight.</i>	<i>Minimum Circumference of Chest, Quiescent.</i>	<i>Minimum Mobility.</i>
5 ft. 6 in.	137 lbs.	177 lbs.	34 in.	2 in.
5 " 8 "	140 "	180 "	35 "	2½ "
5 " 9 "	145 "	185 "	35½ "	2½ "
5 " 10 "	150 "	190 "	36 "	2½ "
5 " 11 "	155 "	195 "	37 "	2½ "
6 " "	160 "	205 "	37½ "	3 "
6 " 1 "	165 "	210 "	38 "	3 "
6 " 2 "	170 "	220 "	39 "	3 "
6 " 3 "	175 "	225 "	40 "	3 "
6 " 4 "	180 "	230 "	41 "	3½ "
6 " 5 "	185 "	235 "	42 "	3½ "

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A modification of the chest measurement required in both the police and fire schedules may be allowed as follows:

To an applicant whose height is between 5 feet 9 inches and 6 feet, a reduction of one inch or any fraction thereof;

To an applicant whose height is 6 feet or over, a reduction of $1\frac{1}{2}$ inches or any fraction thereof;

Provided, that in each case the applicant shall have a chest expansion of three inches or more. (Adopted September 25, 1908.)

"Resolved, That the following changes in the regular schedule of heights and weights be applicable for entrance to the uniformed fire department of the city of Trenton:"

<i>Height.</i>	<i>Minimum Weight.</i>
5 ft. 7 in. instead of 5 ft. 6 in.,	140 lbs.
5 ft. 8 in.,	145 lbs.
5 ft. 9 in.,	147½ lbs.

(Adopted December 3, 1912.)

(3) For original entrance to the uniformed police and fire services the Commission shall, except as otherwise provided by law, fix the minimum age limit at not less than 21 years, and the maximum age limit at not more than 30 years at the date of the examination. (Adopted September 25, 1908.)

Two years' legal residence within the municipality shall be required as a qualification for entrance to an examination for original appointment to the police service. (See Chapter 16, Laws of 1899.) (Amended November 14, 1911.)

(4) In municipalities other than those of the first class the Commission may at the request of the governing body or proper committee of the same extend the maximum age of applicants for examinations for the police department to thirty-five years and reduce the minimum height from 5 ft. 8 in. to 5 ft. 7 in. (Adopted November 19, 1912.)

(5) The subjects of rating in such examination and the relative weights thereof shall be as follows: Physical development and strength, 50; mental tests, 50. In examinations for female police officer the relative weights shall be as follows: Physical development and strength, $33\frac{1}{3}$; mental tests, $66\frac{2}{3}$. The mental test shall embrace an elementary knowledge of government, information as to city streets and localities, writing from memory the substance of communicated orders, and such other elementary subjects as may be prescribed. (Adopted September 25, 1908.) (Amended November 9, 1915.)

(6) A candidate to be eligible for appointment must obtain an average of not less than 70 per cent. on the mental tests and 70 per cent. on the physical development and strength. (Adopted September 25, 1908.)

(7) Candidates for appointment from the eligible lists must undergo medical re-examination to ascertain their general physical condition if more than 30 days have elapsed since their original examination. (Adopted September 25, 1908.)

(8) In a competition for promotion in the police or the fire service, the written examination shall cover the writing of a report to a superior officer on some designated subject; knowledge of the administration, organization and

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discipline of the police or the fire department; knowledge of the administrative relations of such department with other branches of the city government; knowledge of laws or ordinances relating to police or fire duty; knowledge and construction of departmental rules and regulations; knowledge of the simple rules of evidence (in the case of the police service), and such other pertinent subjects as the Chief Examiner, subject to the direction of the Commission, may prescribe. (Adopted September 25, 1908.)

(9) No candidate shall be eligible for promotion whose ascertained general average is less than 80 per cent. (Adopted September 25, 1908.)

(10) Whenever a position in either the police or the fire service to which promotion is sought calls for qualifications of a special or technical character, the Chief Examiner may, subject to the direction of the Commission, fix such subjects therefor as may be appropriate, in addition to those required for the promotion in grade. (Adopted September 25, 1908.)

(11) In promotion examinations in police and fire departments, when the age of the candidates exceeds the maximum for original entrance, the standing of the candidates shall be rated in accordance with the recognized standard of life insurance companies for such ages. (Amended November 14, 1911.)

(12) In every particular not herein specified, appointments or promotions in the police or the fire service are subject to the general provisions of these rules. (Adopted September 25, 1908.)

RULE XIV.

NON-COMPETITIVE CLASS.

(a) The Non-Competitive Class shall include such positions as are not in the exempt class or the labor class and which it is impracticable to include in the competitive class. Appointments for positions in the Non-Competitive Class shall be made after such non-competitive examination as shall be prescribed by the rules of the Civil Service Commission. And from among those eligible, preference in appointment shall be given to soldiers, sailors or marines who have served in any war of the United States and have been honorably discharged from the United States service. The said Commission shall state in its annual report the number of persons who come within this class, and the character of their services. (Section 15.)

(1) The positions in the Non-Competitive Class shall be those of a minor nature, in penal or charitable institutions or elsewhere, which it is not practicable to fill either through competition or through registration under the provisions of Rule XV and which are specifically named in Schedule B, which is hereby made a part of this rule, or which may hereafter, by action of the Commission, be included therein.

(2) For the conduct of examination for position in the Non-Competitive Class, the Commission may, in its discretion, appoint a Board of Examiners in each municipality, department, office or institution in which such positions are classified, composed of not less than three of the superior officers or employees. Each Board shall transmit to the Commission, at the end of each month, a statement of the results of the examinations they have con-

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ducted, setting forth the names of the persons examined or appointed, the compensation of each, and such other information as the Commission may require. (Amended January 12, 1909.)

(3) The Commission shall provide a particular form of application, upon which shall be noted the requirements as to age, residence and physical condition, and the fact that the appointing officer has power to select for appointment, with sole regard to merit and fitness, at will from among those who are found qualified as the result of examination, except that veterans entitled to preference under Section 15, and who have proved their eligibility through examination, shall be first appointed.

(4) Examinations for positions in the Non-Competitive Class shall be such as shall determine the following qualifications:

First. That the person examined is within the limits of age prescribed for the position or employment to which he has been named;

Second. That he is properly certified as free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties;

Third. That his character is such as to qualify him for such position or employment; and

Fourth. That he possesses the requisite knowledge and ability to enter on the discharge of his duties in the service.

To preserve a uniform standard in such qualifications for like positions and employments in the various institutions and offices, the Commission, after consultation with the principal officers concerned, may by regulations, prescribe uniform limitations and tests for the government of the examiners. (Adopted Oct. 6, 1908.)

(5) Appointments to positions in the Non-Competitive Class shall be for a probationary period of three months, and shall be made in the manner prescribed by Clause 4 of Rule VII. Removals are subject to the provisions of Rule XII.

RULE XV.

LABOR CLASS.

(a) The Labor Class shall include ordinary unskilled laborers. Vacancies in the Labor Class shall be filled by appointment from lists of applicants registered in their respective localities by the Civil Service Commission. Preference in employment from such lists shall be given according to the date of application. There shall be separate lists of applicants for different kinds of labor or employments, and the said Commission may establish separate labor lists for various localities, institutions and departments. The said Commission shall require an applicant for registration for the labor service before he can be registered to furnish evidence or to pass such examinations as they may deem proper with respect to his age, residence, physical condition, ability to labor, sobriety, industry, capacity and experience in the trade or employment for which he applies. (Section 16.)

(1) The positions in the Labor Class shall be those only which are specifically named in Schedule C, which is hereby made a part of this rule, or which may hereafter, by action of the Commission, be included therein.

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(2) In each county of the State and in such localities, institutions and departments as it may deem desirable, the Commission may appoint labor examiners, who shall be known as Registrars of Labor, and who shall perform such duties in connection with the examination, registration and certification of laborers as the Commission may prescribe.

(3) The Commission shall provide a special form of application, upon which the candidate shall be required to state under oath facts in regard to his age, residence, citizenship, physical condition, previous occupation and experience, and to furnish certificates from former employers and others as to character and capacity. If the application is not in the handwriting of the applicant, it shall state by whom it was written, giving the name, occupation and address of such person.

(4) When the applications have been filed, they shall be the subject of examination and rating. The Commission may add such oral, practical, medical and physical tests, and may adopt such methods for the verification of the facts stated in the application as it may deem advisable.

(5) The names of those who fulfill the requirements and pass the examination shall be placed on the proper registration list in the order in which their applications were received. A name shall be stricken from the list at the expiration of one year. Separate registration lists shall be established for laboring positions in each county, and the Commission may establish separate registration lists for such localities, institutions and departments as it may deem desirable. (Amended Oct. 11th, 1910.)

(6) The appointing officer, in making requisition, shall state the kind of labor needed, the pay and probable length of employment, the number to be employed and the date, time and place at which they should report. The Commission, or the proper Registrar of Labor, shall notify, in the order of their standing on the registration list, double the number to be employed to report at the designated time and place, and shall send to the appointing officer a list of those notified. From among those reporting at said time and place the appointing officer shall appoint the number actually needed in the exact order of their standing on the list. The appointment shall be for a probationary period of three months, in accordance with Section 17 of the Civil Service Law.

(7) In a case of emergency, where it is not practicable to secure laborers from a registration list with sufficient promptness, or in case the list is temporarily exhausted, the appointing officer may hire or employ, subject, however, to the subsequent approval of the Commission, as many persons as may be required; but such employment shall absolutely cease as soon as appointment can be made from the registration list. In no case shall such employment continue for a longer period than two months, nor shall successive emergency appointments be made.

(8) A laborer who has been discharged from service shall not be allowed to register again for a period of two years, except by special permission of the Commission, for reasons to be stated in its minutes. In cases where the discharge has been for inefficiency in some particular laboring capacity, and not for any delinquency or misconduct, the Commissioner in charge and the Registrar of Labor may re-register such person for a position of a different

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character for which he would be qualified. (Amended January 9, 1917.) (Amended February 20, 1917.)

(9) A person who has served at least 30 days in a position in the Labor Class, may be transferred to any other position therein, for which he is found to possess such qualifications as are required in the case of original appointment to such other position; provided, that transfers of persons who have served less than 30 days may be permitted, when, in the judgment of the Commission, such transfers are advisable. (Amended November 24, 1908.) (Amended May 26, 1914.) (Amended January 21, 1915.) (Amended March 14, 1916.)

RULE XVI.

OFFICIAL ROSTER.

(a) It shall be the duty of each appointing officer to report to the Civil Service Commission forthwith upon the appointment or employment the name of such appointee or employee, the title and character of his office or employment, the date of commencement of service by virtue thereof, and the salary or compensation thereof, and to report from time to time and upon the date of official action in or knowledge of each case, any separation of a person from the service, or other change therein, and such other information as the Civil Service Commission may require, in order to keep the roster hereinafter mentioned. The Commission shall keep in its office an official roster of the classified civil service of this State, and of such municipalities thereof as may adopt the provisions of this act, and shall enter thereon the name of every person who has been appointed to, employed, promoted, reduced or reinstated in any position in such service. This roster shall be open to public inspection at all reasonable hours. The roster shall show, in connection with each name, the date of appointment, employment, promotion, reduction or reinstatement, and the compensation of the position, the title of the position, and the nature of the duties thereof, and the date and cause of any termination of such office or employment. (Section 25.)

RULE XVII.

CERTIFICATION OF PAY-ROLLS.

(a) It shall be unlawful for the Comptroller or other fiscal officer of the State or of any municipality thereof that may adopt the provisions of this act, to draw, sign or issue any warrant on the Treasurer or other disbursing officer of the State, or of any municipality thereof that may have adopted the provisions of this act, for the payment of any salary or compensation to any officer, clerk, employe, or other person in the Classified Service, unless an estimate, pay-roll or account for such salary or compensation, containing the names of every person to be paid, shall bear the certificate of the Civil Service Commission that the persons named in such estimate, pay-roll, or account have been appointed, employed, reinstated or promoted in pursuance of law and of the rules made in accordance with this act. Any officer, clerk, employe or person entitled to be certified by the said Commission to

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the Comptroller, or other fiscal officer or disbursing officer, as having been appointed or employed in pursuance of law and of the rules made in accordance with this act, who shall be refused such certificate, may maintain a proceeding by mandamus to compel such Commission to issue such certificate. Any sums paid contrary to the provisions of this section may be recovered from any officer or officers making such appointment in contravention of the provisions of law, or of the rules made in pursuance of law, or from any officer signing or countersigning, or authorizing the signing or countersigning of any warrant for the payment of the same, or from the sureties on the official bond of any of the said officers, in an action of debt in the Court of Common Pleas of any county within the State by a citizen resident therein who is assessed for and liable to pay, or within one year before the commencement of the action has paid, a State, city or county tax within the State. All moneys recovered in any action brought under this section shall, when collected, be paid into the treasury of the State, or of the proper municipality thereof, as the case may be, except that the plaintiff in any such action shall be entitled to receive, for his own use, the taxable costs of such action and five per centum of the amount recovered as attorney's fees. (Section 26.)

(1) Heads of departments, offices and institutions, or their authorized deputies, shall furnish the Commission pay-rolls containing the names of employes subject to the provisions of the Civil Service Law at least five days before payment is to be made, and shall certify that the persons named therein are employed solely in the proper duties of the positions and employments indicated.

(2) For payments for irregular or occasional services, and for advances of salary to regular employes, the head of such a department, office or institution shall transmit to the Commission the original account or a special pay-roll or a request for advance payment, bearing his written approval, which approval shall be deemed to be a certificate of the facts required by the preceding section to be certified on the regular pay-rolls. Upon examination and certification by the Commission such account, pay-roll or request shall be forwarded to the Comptroller or other fiscal officer. (Adopted October 6, 1908.)

(3) Employes temporarily transferred or detailed from one institution to another institution will be certified for payment of salary only on the pay-roll of the institution to which they have been detailed and in which they are actually working. (Amended March 26, 1912.)

(4) The Commission, by resolution, may authorize any or all of its own members, or its Secretary, or one of its regular employes specially designated as Assistant Secretary, to attach the certificate of the Commission in accordance with the provisions of Section 26. (Amended August 1, 1911.)

(5) Upon satisfactory evidence that with intent to evade the provisions of law and of these rules any person appointed to or employed in any position in the classified service has been assigned to perform duties other than those for which he was examined and certified, or under any title not appropriate to the duties to be performed, the Commission will refuse certification and remove his name from the official roster. (Adopted October 6, 1908.)

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RULE XVIII.

GENERAL PROVISIONS.

(1) The violation of any of the provisions of the Civil Service Law or of these rules by any persons in the Civil Service of the State or of any municipality thereof, which shall have adopted this act, shall be considered a good cause for the dismissal of such person from the service. Adopted October 6, 1908.)

(2) No person in the Civil Service of the State, or of any municipality thereof, which shall have adopted this act shall use his official authority or influence to coerce the political action of any person or body; or shall dismiss or cause to be dismissed or make any attempt to procure the dismissal of or in any manner change the official rank or compensation of any person in such service because of his political opinions or affiliations. (Adopted October 6 1908.)

(3) No question in any examination, or form of application or other proceeding by, or under the Commission or its examiners, shall be so framed as to elicit information concerning, nor any other attempt be made to ascertain the political opinions or affiliations of any applicant, competitor or eligible, and all disclosures thereof shall be discountenanced by the Commission and its examiners, and no discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible, because of his political opinions or affiliations. (Adopted October 6, 1908.)

(4) No recommendation of an applicant, competitor or eligible involving any disclosure of his political opinions or affiliations shall be received, filed or considered by the Commission, by an examining board, or by any nominating or appointing officer. (Adopted October 6, 1908.)

(5) No appointment or selection to or removal from any office or employment within the scope of any rules established under the Civil Service Law shall be in any manner affected or influenced by any political opinions or affiliations. (Adopted October 6, 1908.)

RULE XIX.

ADMINISTRATIVE REGULATIONS.

(1) The Commission shall prescribe and enforce suitable regulations for carrying into effect the provisions of these rules, and for the guidance of its own action and that of its subordinates.

RULE XX.

AMENDMENT OF RULES.

(1) After January 1, 1909, no amendment to these rules shall be adopted at the same meeting at which it is proposed, and no final action shall be taken on any amendment until after a public hearing of which the Commission shall give due notice in the manner prescribed by Rue II (a).

GENERAL REGULATIONS.

REGULATION 1—THE PRESIDENT.—The President, subject to the direction of the Commission, shall have such general authority and responsibility in the administration of the law, rules and regulations as shall not be inconsistent with the powers reserved to the Commission or vested in some other officer.

REGULATION 2—THE CHIEF EXAMINER AND SECRETARY.—The Chief Examiner, subject to the direction of the Commission, shall have charge of all matters pertaining to examinations, and in connection therewith he shall:

- (1) Prepare blank forms for application for examination.
- (2) Receive applications for competitive examinations and determine all questions relating to eligibility of candidates.
- (3) Advertise and issue authority to hold all examinations, and supervise the preparation of questions and other preliminary arrangements for such examinations, and, so far as practicable, attend them.
- (4) Grant authority to candidates to enter examinations.
- (5) Prepare, after consultation with appointing officers concerned, schemes of examination, including age limits and other preliminary requirements for candidates.
- (6) Assign and direct the work of examiners and take care to secure accuracy, uniformity and justice in their proceedings, and such proceedings and all papers pertaining thereto shall at all times be open to him. Whenever the qualifications for a position are of professional, scientific, technical or expert character, the Chief Examiner may obtain such advice and assistance from competent and trustworthy sources as may be expedient and available. In case a vacancy occurs in any position of examiner during a recess of the Commission, the Chief Examiner may, when necessary, select a person to fill such vacancy temporarily, pending a permanent selection by the Commission.
- (7) Notify candidates of the results of their examinations and report the names of successful competitors to the Secretary for enrollment upon the proper register of eligibles.
- (8) He shall take care that the rules and regulations regarding examinations are complied with, and bring any case of their infraction to the attention of the Commission. He shall also from time to time inspect the proceedings and papers connected with the examinations for the service of cities, and make investigations into complaints regarding such examinations, and make report of such inspections and investigations to the Commission.
- (9) He shall perform such other appropriate duties as may be specified in these regulations or assigned to him by the Commission.

The Secretary shall, subject to the direction of the Commission:

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(1) Keep the minutes of the proceedings of the Commission and have charge of the books, records, papers, official seal and other property in its office.

(2) Prepare from the reports of the Chief Examiner, and keep in proper order eligible lists of candidates who successfully pass competitive examinations.

(3) Make certification to appointing officers, upon their requisition, of those eligible to appointment or employment.

(4) Keep the official roster and have charge of the certifications of payrolls and estimates for payment of compensation.

(5) Have charge of the accounts of the salaries and expenses of the Commission and its subordinates, conduct its correspondence and perform such other appropriate duties as it may assign him.

REGULATION 3—ORDER OF BUSINESS.—The order of business at regular meetings of the Commission shall be as follows:

I. Calling to Order.

II. Reading and Approval of Minutes.

III. Reports of Standing Committees.

IV. Reports of Special Committees.

V. Report of Secretary.

VI. Report of Examiner.

VII. Unfinished Business.

VIII. Miscellaneous New Business.

IX. Appointments of Special Committees.

X. Approval of Requisitions and Bills.

REGULATION 4—INTERPRETATION OF TERMS.—For purposes of classification the term "head of a department" shall be interpreted as meaning an official who exercises initiative or original, independent and exclusive executive authority over a distinct, separate and independent branch of the general government of the State or municipality, subject only to constitutional or statutory prescription and to the general direction of the general government of the State or municipality; or who, under his commission, warrant or certificate of appointment, is invested with independent, initiative and administrative powers as to the general direction of the affairs pertaining to his office.

In a municipality where the so-called commission form of government is in force each officer who is the chief of a separate department subject only to one of the commissioners shall be regarded as "the head of a department." (Adopted January 19th, 1909.) Amended October 10th, 1911.

REGULATION 5—SALARY INCREASES IN NON-COMPETITIVE POSITIONS.—Positions shall be considered to be in the non-competitive class only while carrying salaries approved by the Civil Service Commission for such positions. An increase in the initial salary of not to exceed \$5.00 per month for each year of service will be permitted without changing the classification when circumstances shall, in the opinion of the Commission, justify such increase. An increase beyond the amount approved shall be deemed to change the classification of the position to the competitive class, to terminate the service of the

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then incumbent non-competitive employe and to throw the position open to the appointment of those upon eligible lists appropriate to the position. This regulation is only intended to apply to positions which would ordinarily be classified in the competitive class but which are made non-competitive in the beginning on account of the low salary, and its purport is not to include positions of a minor character, which would ordinarily be in the non-competitive class. (Adopted October 14, 1915.) Amended

THE CIVIL SERVICE LAW,

An Act regulating the employment, tenure and discharge of certain officers and employes of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties.

WHEREAS, it was the opinion of the Conference Committee appointed by the two houses of the Legislature to consider the so-called Civil Service bill that a Civil Service Commission should be non-partisan; now, therefore:

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. After the expiration of six months from the time of the approval of this act appointments to and promotions in the civil service of this State, and after the expiration of forty-five days from the time of its adoption by any municipality of this State as hereinafter provided, appointments to and promotions in the civil service of such municipality, shall be made only according to merit and fitness, to be ascertained, as far as practicable, by examinations, which, as far as practicable, shall be competitive; and after the expiration of said six months, or forty-five days, as the case may be, no person shall be appointed, transferred, reinstated, promoted, reduced or dismissed as an officer, clerk, employe or laborer in the civil service under the government of this State, or such municipality thereof as shall adopt the provisions of this act as hereinafter provided, in any manner or by any means other than those prescribed in this act. (See Chapter 20, Laws 1915, eliminating permanent appointments within forty-five days.)

When effective in State and municipalities.

Appointed for merit and fitness.

All appointments, transfers, etc., subject to act.

2. All officers, clerks and employes now in the employ of the State or any municipality adopting this act, coming within the competitive or non-competitive class of the civil service, shall continue to hold their offices or employments, and shall not be removed therefrom except in accordance with the provisions of section twenty-four hereof, it being the intention hereby to include any and all such officers, clerks, employes and laborers within the classified service of the State or municipality, as the case may be, and to be subject in all respects to the provisions of this act.

Continuance of present officers and employes.

3. The Governor shall, by and with the advice and consent of the Senate, appoint four persons to be civil service commissioners under this act, all of whom must be residents of the State of New Jersey, and at the time of such appointment shall designate one of the said commissioners to hold office for the term of one year, one for the term of two years, one for the term of three years and one for the term of four years, beginning from the date of the approval of this act; and thereafter at the expiration of such period of one year the Governor of this State shall, by and with the advice and consent of the Senate, appoint one person as the successor of the commissioner whose term shall have expired, to serve for a term of four years, and until his successor shall have been appointed and qualified. No commissioner shall hold any other office of profit under the government of this State or of the United States. Three members of said commission shall constitute a quorum for the transaction of business. Any vacancy in

Civil service commissioners appointed by Governor.

Terms.

Quorum.
Vacancies.

REPORT OF CIVIL SERVICE COMMISSION.

such commission shall be filled by appointment by the Governor for the remainder of the term, subject to confirmation by the Senate, but any appointment shall be in force until acted upon by the Senate.

Governor
may remove
commissioner
for cause.

4. The Governor may remove any commissioner for inefficiency, neglect of duty or misconduct in office, having first given to such commissioner a copy of the charges against him and an opportunity of being publicly heard in person or by counsel, upon not less than ten days' notice in writing, and a statement of the findings of the Governor and the reasons for his action shall be filed by the Governor with the Secretary of State.

Salaries and
expenses.

5. Each commissioner shall receive a salary of two thousand dollars per annum, payable monthly, out of the treasury of this State, on the warrant of the Comptroller. The person selected under the provisions of this act to act as president of said commission shall receive an additional salary of five hundred dollars per annum. In addition, each commissioner shall be entitled to be paid out of the treasury of this State, on the warrant of the Comptroller, such sums as shall be incurred for necessary traveling and other expenses; but no money shall be paid out of the treasury for any such purpose except on bills presented to the Treasurer, duly verified by the oath of the person presenting the claim.

Organization.

6. The commission created by this act shall select from among its members a president, and appoint a chief examiner and a secretary, who must be residents of the State of New Jersey. This commission shall not, however, expend for salaries and expenses in any one year a greater sum than twenty-five thousand dollars, nor any sum in excess of the amount appropriated by the Legislature in the annual appropriation act. (See Supplement, Chap. 192, P. L. 1915.)

Limit expendi-
tures.

Salary of
secretary and
examiner.

7. The secretary shall receive a salary of two thousand dollars a year and the chief examiner a salary of three thousand dollars a year, to be paid in equal monthly payments out of the treasury of the State on the warrant of the Comptroller. The commission may also appoint such other clerical and necessary assistants as may be necessary to carry out the provisions of this act, and fix their compensation, which shall be paid out of the treasury of the State on the warrant of the Comptroller. The secretary, chief examiner, clerks and assistants shall, in addition to their salaries, receive such necessary traveling and other expenses incurred under the provisions of this act as shall be approved by the commission, which shall be paid out of the treasury of the State on the warrant of the Comptroller: but no money shall be paid out by the treasury for any purpose except on bills presented to the Treasurer duly verified by the oath of the person presenting the claim. Should any commissioner be removed from office, or any employe of said commission be discharged, such commissioner or employe shall only be entitled to receive his compensation up to the date of such removal or discharge.

Assistants.

Expenses of.

Powers of
commission.
To make rules.

8. The commission shall also have the power:
First. To prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act.

To keep
records and
applications.

Second. To keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office and causes of removal received by the commission shall be filed, and all such records (except recommendations of former employers), shall be open to public inspection under reasonable regulations.

Third. To make investigations, either sitting as a body or through a single commissioner, concerning all matters touching the enforcement and effect of this act, and the rules and regulations prescribed thereunder, and concerning the action of any examiner or subordinate of the commission and any person in the paid employ of this State or any municipality that may hereafter adopt the provisions of this act, in respect to the execution of this act, and in the course of such investigations each commissioner and the chief examiner shall have power to administer oaths and affirmations and to take testimony.

To investigate matters pertaining to act.

Fourth. To subpoena and require the attendance in this State of witnesses, and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require in relation to any matter which it has the authority to investigate. The fees for such witnesses for attendance and travel shall be the same as for witnesses before the Courts of Common Pleas, and shall be paid from the appropriations made to the commission. All officers and employes in the paid service of this State, and of any municipality that may hereafter adopt the provisions of this act, and their deputies, clerks, subordinates and employes, shall attend and testify when required to do so by said commission. Any disobedience to or neglect of any subpoena issued by the said commissioners or any refusal to testify shall be certified in writing by the president of said commission to the judge of the Court of Common Pleas of the county in which such disobedience occurred, who shall thereupon, by a warrant issued to the sheriff of the county, direct the production of the body of the person so disobeying, and upon the production of the body of such person, shall, in a summary way, inquire into the cause of such disobedience, and if no sufficient cause be shown therefor, shall, by a commitment issued under his hand, directed to the keeper of the common jail of said county, order the detention in such common jail of such person for such period of time, not exceeding ninety days, as said judge in said commitment shall designate, or until such person shall purge himself of such disobedience. Any person who shall knowingly give false testimony before said commission shall be guilty of a misdemeanor. No person shall be excused from testifying, or from producing any books or papers, before said commission upon the ground that the testimony or evidence, books or documents, required by him may tend to incriminate him, or subject him to a penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence.

To summon persons and papers.

Witness fees.

Action in case subpoena disobeyed.

Must testify.

Fifth. To make an annual report to the Governor, showing its own actions, its rules and regulations, and all the exceptions thereto in force, and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

Annual report.

9. The commission shall be provided, as soon as may be convenient, with suitable office accommodations in the capitol building at Trenton, and it shall be the duty of the officials having control of municipal buildings throughout the State to furnish convenient offices and rooms for examination purposes, with the necessary light, heat and furniture for the accommodation of local examiners and registrars, upon requisition by the commission, when the same shall have been rendered necessary by the adoption by any such municipality of the provisions of this act. The office of

Office and accommodations.

Office hours.

REPORT OF CIVIL SERVICE COMMISSION.

said commission in the capitol building shall be open for business between nine o'clock in the forenoon and five o'clock in the afternoon of each business day.

State and municipal officers to aid in enforcement.

All appointments made in accordance with provisions of act.

Persons appointed contrary to act not paid by authorities but by employer.

Classes of civil service.

Unclassified service.

10. It shall be the duty of all of the officers of this State, or of any municipality thereof that may adopt the provisions of this act, to conform to, comply with, and to aid in all proper ways in carrying into effect the provisions of this act, and the rules and regulations prescribed thereunder and any modification thereof. No officer or officers having the power of appointment or employment to the civil service of this State, or to that of any municipality thereof that may hereafter adopt the provisions of this act, shall, after this act shall become effective in connection with the civil service of the State or municipality, as the case may be, as prescribed in section one hereof, select or appoint any person for appointment, employment, promotion or reinstatement, except in accordance with the provisions of this act and the rules and regulations prescribed thereunder. Any person employed or appointed contrary to the provisions of this act, or of the rules and regulations established thereunder, shall be paid by the officer or officers so employing or appointing, or attempting to employ or appoint, the compensation agreed upon for any services performed under such appointment or employment, or attempted appointment or employment, or in case no compensation is agreed upon, the actual value of such services and any expenses incurred in connection therewith, and shall have an action of debt against such officer or officers, or any of them, for such sum or sums and for the costs of the action. No public office shall be reimbursed by the State, or by any municipality thereof, for any sums so paid or recovered in any such action.

11. The civil service of the State of New Jersey, and of the municipalities thereof when and as they may adopt the provisions of this act, in the manner hereinafter provided, shall be divided into the unclassified service and the classified service. The unclassified service shall not be subject to any of the provisions of this act, and shall include the following classes:

All officers elected by popular vote;

All officers appointed by the Governor, with or without the advice and consent of either or both branches of the Legislature;

All officers and employees appointed by either or both branches of the Legislature;

All election officers;

All assistant prosecutors of the pleas of the counties in this State (as amended, Chapter 51, P. L. 1914);

All heads of departments of the State government, and members of commissions and boards thereof, and all appointments of the mayor; and also all heads of departments, the members of commissions and boards elected by the board of aldermen, common council or other governing body of the municipalities that may adopt the provisions of this act;

All law officers of any municipality that may adopt the provisions of this act;

All officers, non-commissioned officers, enlisted men and other persons employed in the military or naval service of the State (as amended, Chap. 195, P. L. 1910);

All superintendents of, teachers and instructors in the public schools and State institutions, county superintendent and members of all boards of education, all police magistrates appointed by the mayor or other head officer of any municipality that may adopt the provisions of this act.

The classified service shall include all persons in the paid service of the State or the municipalities thereof that may adopt the provisions of this act, not included in the unclassified service.

Classified service.

12. The officers, positions and employments in the classified service of the State, and of the municipalities thereof that may adopt the provisions of this act, shall be arranged by the civil service commission in four classes, to be designated as the exempt class, the competitive class, the non-competitive class and the labor class, which classification may be changed from time to time as the commission shall deem proper.

Classes of classified service.

13. The following positions shall be included in the exempt class:

Exempt class; appointments to, made without examination.

(1) The deputy or first assistant of principal executive officers authorized by law to act generally for and in the place of his principal;

(2) The legal assistants of the law department of the State, and of the municipalities adopting the provisions of this act, except as herein otherwise provided (as amended, Chap. 51, P. L. 1914);

(3) One secretary or clerk of each department, appointed board and commission authorized by law to appoint a secretary or clerk (as amended, Chap. 332, P. L. 1912);

(4) One private secretary or clerk, or stenographer, of each judge or each principal executive officer;

(5) All officials of State and county institutions who must of necessity be physicians;

(6) In addition to the above there may be included in the exempt class all other offices or positions, except laborers, for the filling of which competitive or non-competitive examinations shall be found by the civil service commissions to be impracticable. But no office or position shall be deemed to be in the exempt class unless it is specifically named in such class in the rules, and the reasons for each such exemption shall be stated separately in the annual reports of the said commission. Not more than one appointment shall be made to or under the title of any such office or position unless a different number is specifically mentioned in the rules. After six months from the date of the approval of this act, or forty-five days after the date of its adoption by any municipality of this State, no office or position shall be classified by the commission in the exempt class except after public hearing by the commission or any member thereof. Suitable public notice of such hearings shall be given by the said commission. At any such hearing any citizen of this State shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption. Appointments in the exempt class may be made without examination.

Positions in, to be named.

As to additional positions in exempt class; hearings.

14. The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations, and shall include all positions and employments now existing or hereafter created, of whatever functions, designations or compensations, in each and every branch of the classified service, except such positions as are in the exempt class, the non-competitive class or the labor class. Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction under the provisions of this act and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer in accordance with the provisions of section twenty-one of this act. The term of eligibility of an applicant shall be fixed for each list by the civil

Competitive class.

**Appointments
from eligible
list.**

service commission at not less than one nor more than three years. Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which the appointment may be made. In cases of positions in the civil service of the State, where in the judgment of the civil service commission a special acquaintance with a municipality or section of the State may be necessary, the civil service commission may from those eligible for appointment after competitive examination make up separate eligible lists from which certification may be made for appointment, according to the municipalities or sections of the State with which such special acquaintance is necessary. (As amended, Chap. 24, P. L. 1911.)

No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall be assigned to perform the duties other than those properly pertaining to the position which he legally holds. (As amended, Chap. 24, P. L. 1911.)

**Non-competi-
tive class.**

15. The non-competitive class shall include such positions as are not in the exempt class or the labor class and which it is impracticable to include in the competitive class. Appointments for positions in the non-competitive class shall be made after such non-competitive examination as shall be prescribed by the rules of the civil service commission. And from among those eligible, preference in appointment shall be given to soldiers, sailors or marines who have served in any war of the United States and have been honorably discharged from the United States service. The said commission shall state in its annual report the number of persons who come within this class, and the character of their services.

**Preference to
veterans.****Labor class.**

16. The labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered in their respective localities by the civil service commission. Preference in employment from such lists shall be given according to the date of application. There shall be separate lists of applicants for different kinds of labor or employments, and the said commission may establish separate labor lists for various localities, institutions and departments. The said commission shall require an applicant for registration for the labor service before he can be registered to furnish evidence or to pass such examinations as they may deem proper with respect to his age, residence, physical condition, ability to labor, sobriety, industry, capacity and experience in the trade or employment for which he applies.

**Rules for
classification.**

17. Within six months after the passage of this act and of the appointment of the civil service commissioners as therein provided, the civil service commission shall put into effect rules for the classification of the offices, places and employments in the classified service of this State and within forty-five days after the adoption hereof shall prepare and put into effect rules for the classification of the offices, places and employments in the classified service of any municipality of this State that may adopt the provisions of this act, which rules shall provide for examinations for positions in the classified service of the State, and of such municipalities thereof as may adopt the provisions of this act, and for appointments to and promotions therein, and for such other matters as are necessary to carry out the purposes of this act. Notice of the contents of such rules and regulations and of any modifications thereof shall be given by mail in due season to appointing officers and heads of departments affected thereby, and

Examinations.**Notice of
rules, etc.,
given.**

said rules and regulations and modifications thereof shall also be printed for public distribution. All appointments and promotions to positions in the competitive, non-competitive and labor classes of the classified service shall be for a probationary period of three months. If, at the close of this probationary term, the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified in writing that he will not receive absolute appointment; otherwise his retention in the service shall be equivalent to his final and absolute appointment.

Probationary period.

18. All examinations required to be held by the provisions of this act both for positions in the competitive class and the non-competitive class, or any other class where examinations are required to be held, shall be free to all citizens of the State of New Jersey with the limitations specified in the rules of the commission as to residence, age, sex, health, habits and moral character. The commission may, when in its judgment a position for which an examination is to be held is of such a character as to require special technical training and specialization in a line of work for which candidates are not readily obtainable, and when advertisement in the manner provided for in this act shall have failed to produce from among the citizens of New Jersey persons eligible to the position to be filled, admit to examination citizens of other States. The commission shall state in its annual report the reasons for its action in the case of each examination of this character. (As amended, Chap. 148, P. L. 1911.) Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications and health, and when appropriate, of manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable person or persons either in or not in the official service of the State, to be examiners, and it shall be the duty of such examiners, and if in the official service it shall be part of their official duty, without extra compensation, to conduct such examinations as the commission may direct, and to make return or report thereof to said commission; and the said commission may at any time substitute any other person, whether or not in such service, in the place of anyone so selected; and the commission may themselves at any time act as such examiners and without appointing examiners. Such examinations shall be held in such locality or localities as will most readily provide equal opportunity for all citizens of the said State with reference to positions in the service of the State, or to all citizens of any municipality that may hereafter adopt the provisions of this act with reference to positions in the service of the said municipality. Due and sufficient notice thereof being given in such manner that all persons interested in the said examinations may have an opportunity of learning of the time, place and conditions of the said examinations. Such notice of the time and place and general scope of every examination shall be given by the commission, by publication, for two weeks preceding such examination, in such newspapers of general circulation throughout the State as the commission shall prescribe, and such notice in printed form shall also be sent by the commissioners to the county clerks of each county, and by them promptly posted in a conspicuous place in the clerk's office of the said county.

Character of examinations.

Examiners.

Where held.

Notice of examinations.

Formal application.

Statement.

Blank forms.

Refusal to examine or certify as eligible causes

Hearing after refusal to examine.

Proviso.

Class register of eligibles.

Proviso, pertaining to Civil War veterans.

19. The commission shall require persons applying for admission to any examination provided for under this act or under the rules and regulations of the said commission, to file in its office within a reasonable time prior to the proposed examination a formal application, in which the applicant shall state under oath or affirmation:

- (1) Full name, residence and post-office address;
- (2) Nationality, age and the place and date of birth;
- (3) Health and physical capacity for public service;
- (4) Business and employments and residences for the five previous years;

(5) Such other information as may reasonably be required touching the applicant's merit and fitness for the public service; but no inquiry shall be made as to any religious opinions and political affiliations of the applicant.

Blank forms for such applications shall be furnished by the said commission without charge to all persons requesting the same. The said commission may require in connection with such application such certificates of citizens, physicians or others having knowledge of the applicant as the good of the service may require. The said commission may refuse to examine an applicant or after examination to certify an eligible, who is found to lack any of the established preliminary requirements for the examination or position or employment for which he applies, or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks employment, or who is addicted to the habitual use of intoxicating liquors to excess, or who has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in securing his eligibility or appointment. Whenever the said commission refuses to examine an applicant or after an examination to certify an eligible, as provided in this section, then the said commission upon the request of such person shall grant to him a hearing upon the cause of such refusal. When any position to be filled involves fiduciary responsibility, the appointing officer may require the appointee to furnish a bond, or other security, in lieu thereof, and shall notify the commission of the amount of said bond required; *provided, however*, that any surety company of this State, or any surety company of any other State of the United States authorized to transact business in this State, shall be a sufficient surety on any such bond.

20. From the returns or reports of examiners, or from the examinations made by the commission, the commissioners shall prepare a register for each grade or class of positions in the classified service of the State, or of any municipality that may hereafter adopt the provisions of this act, of the persons who shall attain such minimum mark as may be fixed by the commission for any part of such examination and whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination; *provided, however*, that if any honorably discharged soldier, sailor or marine having served in the War of the Rebellion, shall be among those whose names are placed on such register, such soldier, sailor or marine shall be considered as standing highest in rank thereon, and if two or more names of such

soldiers, sailors or marines shall be found on said register, they shall rank as to each other according to their relative excellence as determined by said examination.

21. The head of a department, office or institution in which a position classified under this act is to be filled shall notify said commission of that fact, stating the title or name of the position to be filled, the duties to be performed and compensation to be paid, and said commission shall certify to the appointing officer the names and addresses of three candidates standing highest upon the register for the class or grade in which the said position belongs, and the head of such department, office or institution shall select one of the three so certified, and after a candidate has been certified three times by the commission, and shall not be accepted by a head of department, office or institution, his name shall not again be certified to the same head of department, office or institution except at the request of such head of department, office or institution. In making such certification sex shall be disregarded, except when some statute, the rules of the said commission or the appointing power shall specify sex.

Selection from eligible list by certification of three candidates.

Sex disregarded.

22. Vacancies in positions in the competitive class shall be filled, so far as practicable, by promotions from among persons holding positions in a lower grade in the department, office or institution in which the vacancy exists. Promotions shall be based upon merit, to be ascertained by examinations to be provided by the commission, and upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority and experience. For the purposes of this section an increase in the salary, or other compensation of any person holding an office or position within the scope of the rules prescribed by the commission, beyond the limit fixed for the grade in which such office or position is classified shall be deemed a promotion. No person shall be promoted to a position for original entrance to which there is required by this act, or the rules adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original entrance to the position held by such person except as provided above.

Vacancies filled by promotion for merit.

Increase of salary deemed promotion.

23. With the consent of the commission, a person holding an office or position in the classified service may on his own request be transferred to a similar office or position in another office, department or institution, but no transfer shall be made from an office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by this act, or the rules adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original entrance to an office or position held by such person. Any person holding an office or position under the classified service who has been separated from the service without any delinquency or misconduct on his part, but owing to reasons of economy or otherwise, may be reinstated within two years from the date of such separation to the same or similar office or position in the same department; and whenever any permanent office or position in the classified service is abolished or made unnecessary, the person or persons legally holding such office or position shall be deemed to be suspended without pay, and the names of such persons shall, on due notification from the appointing officer, be placed by the commission on a special list, and for a period of two years from the date of the abolishment of such office or position the person who held the same shall be entitled to reinstatement in any office or position of the same or similar kind as that previously abolished,

Terms pertaining to transfers.

If position separated from service occupant placed on special list.

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and the names of all such persons, when an office or position is to be filled of a character the same or similar to that previously held by them, shall be certified by the commission to any appointing officer when such appointing officer shall make known to such commission, in the manner designated in this act, the office or position to be filled.

Removals,
reductions,
etc.

Furnished
with written
statement
of charges.

Suspensions.

Proviso.

List of em-
ployees fur-
nished com-
mission.

Roster of
classified
service.

What to con-
tain.

Commission
to certify
to disbursing
officers as to
appointment,
etc.

Employee en-
titled to man-
damus to
secure certi-
cate.

24. No officer, clerk or employe in the classified civil service shall be removed, discharged, reduced in pay or position or otherwise discriminated against because of his religious or political opinions or affiliations. Further, no officer, clerk or employe holding a position in the competitive or non-competitive class of the classified civil service shall be removed, discharged or reduced, except as provided in section seventeen of this act as to probationers, until he shall have been furnished with a written statement of the reasons for such action and been allowed a reasonable time in which to make written answer thereto. In every case of such removal, discharge or reduction a copy of the statement or reasons therefor and of the answer thereto shall be furnished to the civil service commission, and entered upon the records of said commission and upon the records of the department or office in which the discharged, removed or reduced person was or is employed. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days; *provided, however*, that successive suspensions are not to be allowed. (See Supplement, Chap. 129, P. L. 1916.)

25. It shall be the duty of each appointing officer to report to the civil service commission forthwith upon the appointment or employment the name of such appointee or employe, the title and character of his office or employment, the date of commencement of service by virtue thereof, and the salary or compensation thereof, and to report from time to time and upon the date of official action in or knowledge of each case, any separation of a person from the service, or other change therein, and such other information as the civil service commission may require, in order to keep the roster hereinafter mentioned. The commission shall keep in its office an official roster of the classified civil service of this State, and of such municipalities thereof as may adopt the provision of this act, and shall enter thereon the name of every person who has been appointed to, employed, promoted, reduced or reinstated in any position in such service. This roster shall be open to public inspection at all reasonable hours. The roster shall show, in connection with each name, the date of appointment, employment, promotion, reduction or reinstatement, and the compensation of the position, the title of the position, and the nature of the duties thereof, and the date and cause of any termination of such office or employment.

26. It shall be unlawful for the Comptroller or other fiscal officer of the State, or of any municipality thereof that may adopt the provisions of this act, to draw, sign or issue any warrant on the Treasurer or other disbursing officer of the State, or of any municipality thereof that may have adopted the provisions of this act, for the payment of any salary or compensation to any officer, clerk, employe, or other person in the classified service, unless an estimate, payroll or account for such salary or compensation, containing the names of every person to be paid, shall bear the certificate of the civil service commission that the persons named in such estimate, payroll or account have been appointed, employed, reinstated or promoted in pursuance of law and of the rules made in accordance with this act. Any officer, clerk, employe or person entitled to be certified by the said com-

mission to the Comptroller, or other fiscal officer or disbursing officers, as having been appointed or employed in pursuance of law and of the rules made in accordance with this act, who shall be refused such certificate, may maintain a proceeding by mandamus to compel such commission to issue such certificate. Any sums paid contrary to the provisions of this section may be recovered from any officer or officers making such appointment in contravention of the provisions of law, or of the rules made in pursuance of law, or from any officer signing or countersigning, or authorizing the signing or countersigning of any warrant for the payment of the same, or from the sureties on the official bond of any of the said officers, in an action of debt in the Court of Common Pleas of any county within the State by a citizen resident therein who is assessed for and liable to pay, or within one year before the commencement of the action has paid, a State, city or county tax within the State. All moneys recovered in any action brought under this section shall, when collected, be paid into the treasury of the State, or of the proper municipality thereof, as the case may be, except that the plaintiff in any such action shall be entitled to receive, for his own use, the taxable costs of such action and five per centum of the amount recovered as attorney's fees.

Disbursing
officers liable
for illegal
payments.

Recovered
money turned
into treasury.

27. No recommendation of any persons who shall apply for office or place, or for examination or registration under the provisions of this act or of rules established pursuant thereto, except as to character, and in the case of former employers as to ability, shall be given to or considered by any person concerned in making any examination, registration, appointment, promotion or reinstatement under this act and rules made pursuant thereto. No recommendation whatsoever shall relate to the political or religious opinions of any applicant. No recommendation for the promotion of any person in the classified service shall be considered by any officer concerned in making promotions except it be made by the officer or officers under whose supervision or control such employe is serving. Any recommendations made contrary to the provisions of this section with the knowledge and consent of the applicant or employe, shall be sufficient cause for refusing his application or appointment, and for disbaring him from the promotion proposed.

As to recom-
mendations.

28. Any commissioner, or examiner, or any person who shall willfully, by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect of his or her right of examination, or registration, according to this act or to any rules or regulations prescribed pursuant thereto, or who shall willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, pursuant to the provisions of this act, or aid in so doing, or who shall willfully or corruptly make any false representations concerning the same, or concerning the person examined, or who shall willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration, or application or request to be examined or registered, shall for each offense be deemed guilty of a misdemeanor. Misdemeanors under the provisions of this act shall be punishable by a fine of not less than ten dollars nor more than

As to con-
duction of
examinations.

False repre-
sentations.

False per-
sonation.

Penalty.

Temporary appointments in emergencies.	five hundred dollars, or by imprisonment for a term not exceeding six months, or both, in the discretion of the court.
Not to exceed two months.	29. Nothing contained in this act shall be construed to prohibit the head of any department, office or institution of this State or of any municipality thereof adopting the provisions of this act employing temporarily, subject to the subsequent approval of the commission, in cases of emergency, a person or persons to carry out the work of such department, office or institution, but the head of such department, office or institution upon employing any such person or persons shall immediately give notice thereof to the commission created by this act, and as soon thereafter as practicable a person shall be selected in accordance with the other provisions of this act, whereupon the services of the person or persons so temporarily employed shall cease. In no case shall such employment continue for a longer period than two months, nor shall successive temporary appointments be made to the same position under this provision.
Adoption of act by municipalities by ordinance or vote.	30. Any municipality of this State may adopt the provisions of this act by the petition and vote of the qualified voters of such municipality as hereinafter provided.
Method of adoption in cities and counties.	31. Whenever there shall be presented to the clerk of the governing body of any municipality of this State a petition signed, in counties and cities of the first and second class, by at least five hundred legal voters in said counties or cities respectively, and in counties and cities of the third class by at least two hundred and fifty legal voters of said counties or cities respectively, and in all other municipalities by at least five per centum of the legal voters therein, requesting that the question of the adoption of the provisions of this act be submitted to the legal voters of said municipality, it shall be the duty of said clerk, within five days after the receipt of said petition, to call a special meeting of said governing body to act upon the said petition, such meeting to be held within fourteen days after the date of the receipt of the said petition by the said clerk. At such special meeting the said governing body shall consider the said petition, and if found in due form, shall immediately certify the same to the clerk of such municipality, directing him to follow the procedure necessary to have the question contained in the said petition submitted to the legal voters of the said municipality at the next regular election. Public notice thereof shall be given by said governing body by the publication in one or more newspapers published and circulated in the said municipality. Or if there be no newspapers published in the said municipality, then in one or more newspapers published in the county in which such municipality is located, to be designated by said governing body, once a week for at least four weeks, and by posting such notice in five of the most public places in said municipality for at least four weeks before said election. (As amended, Chap. 276, P. L. 1912.) (See Supplement, Chap. 17, P. L. 1915.)
Referendum.	At any election at which the question of the adoption of the provisions of this act shall be submitted to the voters of any municipality, there shall be printed upon the official ballot for such municipality the word "for" and the word "against" above and immediately preceding the words "An act regulating the employment, tenure and discharge of certain officers and employes of this State, and of the various counties and municipalities thereof, and providing for a civil service commission and defining its powers and duties."
Special meeting.	If the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of this act;
Notice.	
Ballots.	
Canvass; returns.	

if the word "against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance of this act; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such acceptance. A canvass and return of the votes upon the question of the acceptance of this act shall be made by the election officers in the same way and manner as for officers voted at such election and if a majority of the votes cast for and against the acceptance of this act shall be found to be in favor of its acceptance it shall then, but not otherwise, become operative in such municipality. The adoption of the ordinance provided for in section thirty-one of this act, or the result of said election, if favorable to the adoption of this act, as the case may be, shall be certified by the governing body or the municipality to the commission created by this act. The question of the adoption of this act shall not be submitted to the voters of any municipality oftener than once in two years. (See Chap. 346, P. L. 1911.)

Adoption
certified to
commission.

32. The words and terms used in the title and body of this act shall have the following meaning: Definitions.

"Appointing officer" signifies the officer, commission, board or body having the power of appointment or election to, or removal from, subordinate positions in any office, department, commission, board or institution;

"Civil service" includes all officers and positions of trust or employment in the service of the State or any civil division thereof, except offices and positions in the military or naval departments;

"Commission" signifies the Civil Service Commission of New Jersey;

"Municipality" signifies village, town, township, borough, city or county or other such local civil government as is distinguished from the State government;

"He," "him," or "his" may be used interchangeably with "she" or "her";

"Ordinance" shall be construed to include resolution where the governing body usually proceeds by resolution.

33. In case, for any reason, any section or any provision of this act shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act. Invalidation of a section not to affect others.

34. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

35. This act shall take effect immediately.

Approved April 10, 1908.

SUPPLEMENTARY LEGISLATION.

Chapter 109, P. L. 1910.—Consolidates the position of Chief Examiner and of Secretary into one position, at a salary of \$3,500 per annum.

Chapter 346, P. L. 1911.—Provides method for the adoption of the civil service by referendum in school districts.

Chapter 82, P. L. 1912.—Protects officers or employes of the Circuit Court, Court of Oyer and Terminer, Court of Common Pleas or Court of General Sessions in each of the counties of the State from removal.

REPORT OF CIVIL SERVICE COMMISSION.

Chapter 83, P. L. 1912.—Places the Assistant Commissioner of Labor and all Inspectors in the Department of Labor within the classified service of the civil service.

Chapter 189, P. L. 1912.—Permits the Civil Service Commission to enforce the law and rules and regulations of the Commission by such suits or actions, either at law or in equity, as may be necessary and appropriate.

Chapter 383, P. L. 1912.—Increases the salary of the Chief Examiner and Secretary to \$4,000 per annum.

Chapter 185, P. L. 1914.—Provides that the Civil Service Commission shall fix standards for salaries to be recommended to the departments to be paid those in the classified service.

Chapter 17, P. L. 1915.—Provides that petitions for a referendum be presented to the Municipal Clerk instead of to the governing body, and that he shall take the necessary procedure to make publication and see that the question is submitted by printing upon the ballots.

Provides that action may be brought by a citizen and taxpayer before a judge of the Court of Common Pleas to compel the clerk to act on his failure to do so.

Chapter 20, P. L. 1915.—Removes free appointments for forty-five days after adoption of the law, and provides for temporary appointments.

Chapter 27, P. L. 1915.—Makes method of voting on submission on Civil Service law to referendum conform to Geran Act.

Chapter 43, P. L. 1915.—Permits the employment of needy persons as laborers, with the approval of Civil Service Commission.

Chapter 120, P. L. 1915.—Provides for summary review of violations of Civil Service law.

Chapter 192, P. L. 1915.—Removes possible limitation of expenditures of Civil Service Commission.

Chapter 122, P. L. 1916.—Provides that any person holding an office which has been abolished for reasons of economy shall, with the approval of the Civil Service Commission, be demoted to a lesser office in the same department and shall be entitled to reinstatement to his previous position as soon as opportunity arrives, in preference to any other person.

Chapter 129, P. L. 1916.—Provides for the keeping of efficiency records of employees and that the Civil Service Commission shall promulgate rules and methods for ascertaining and verifying the facts.

Also provides that when an office is abolished for reasons of economy the person last appointed shall be the first whose office is to be abolished, unless the efficiency records of the office shall show a difference of efficiency between employees, in which case the least efficient shall be selected.

Chapter 248, P. L. 1916.—Places court attendants in counties that have adopted the Civil Service Act or which may hereafter adopt that act, in the competitive class of the Civil Service, and provides that on the law's adoption such employes shall continue to hold their positions except as removed in accordance with the provisions of the Civil Service law.